

NOVEMBER 19, 2001

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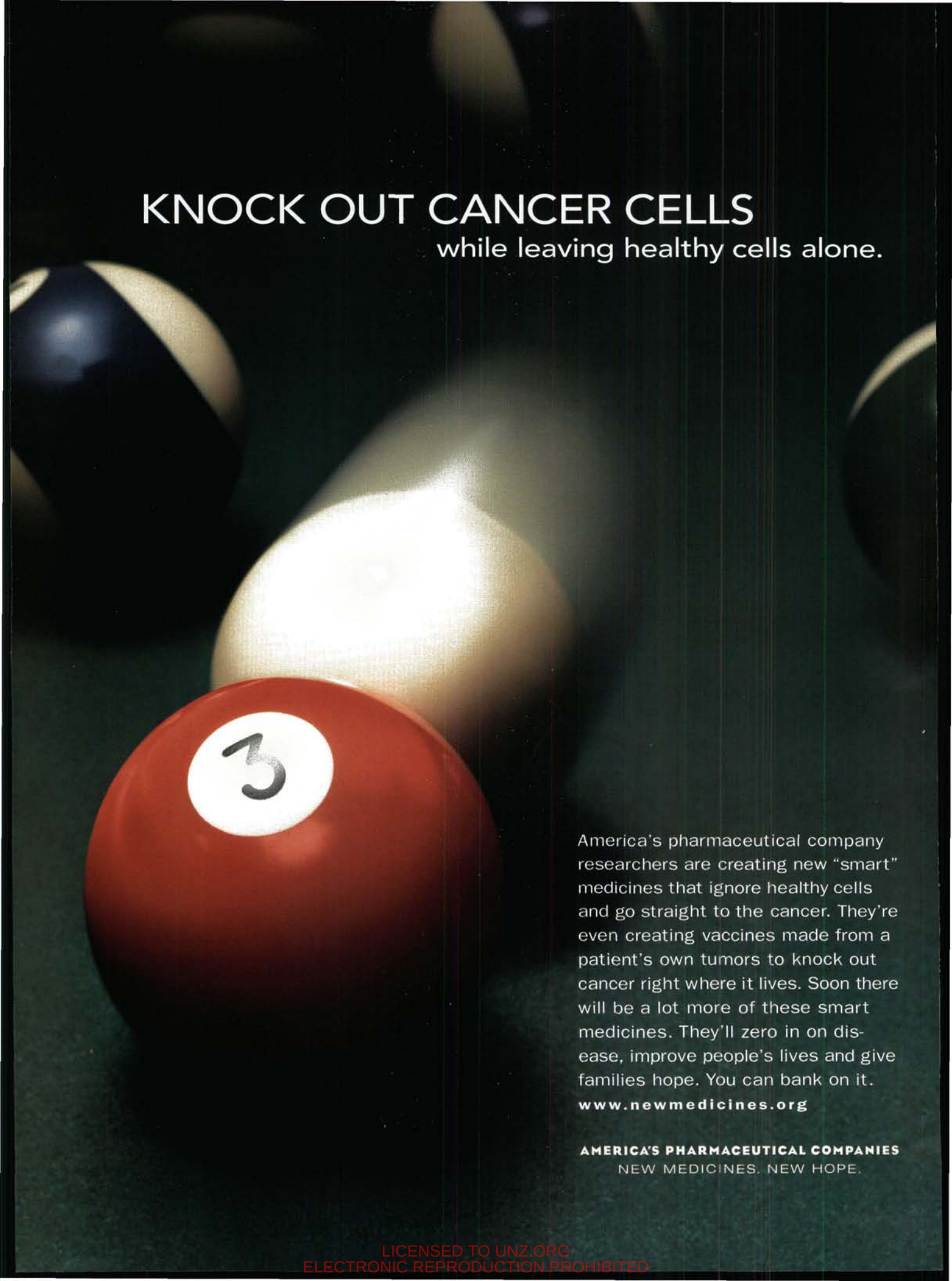
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WASHINGTON, D.C.
NOVEMBER 19, 2001
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On the Cover : Photo from CORBIS/SYGMA
On the Web : www.thenewrepublic.com

THE NEW REPUBLIC, Vol. 225, Number 21, Issue 4,531, November 19, 2001. (Printed in the United States on November 7, 2001.) Published weekly (except for combined issues dated January 1 & 8, April 9 & 16, July 9 & 16, August 27 & September 3, 2001 and December 31, 2001 & January 7, 2002) at 1220 19th Street, NW, Washington, D.C. 20036. Telephone (202) 331-7494. For advertising inquiries, please contact Meredith Cossa at (202) 331-7494 or our NY sales office at (212) 465-8447. Yearly subscriptions, \$59.94; foreign, \$99.94 (U.S. funds); Canada, \$79.94 (U.S. funds). Back issues, \$4.00 (includes postage & handling). © 2001 by The New Republic, Inc. (ISSN 0028-6583). Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 331-0275. Indexed in Readers' Guide, Media Review Digest. Microform, Canadian Periodical Index, CD-ROM, issue, and article copies are available through University Microfilms Intl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 37298, Boone, IA 50037-0298. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: tnr@aol.com). For subscription inquiries or problems call 1-800-827-1289 or visit our website at www.thenewrepublic.com.

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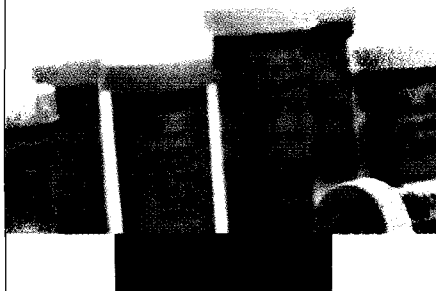
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C O R R E S P O N D E N C E

Wild pitch?

TO THE EDITORS:

Franklin Foer is right to be bitter and fearful that George W. Bush and the Republican Party increased their support among American Muslims from 40 percent in 1996 to more than 70 percent in 2000 ("Fevered Pitch," November 12). That increase alone won Florida many times over. Bush demonstrated that a conservative can speak with respect, seriousness, and compassion to immigrants and minorities; that we earn their votes, not by moving left and offering patronage and welfare, but by campaigning for lower taxes, reforming social security, strong families, and respect for people of faith—all faiths.

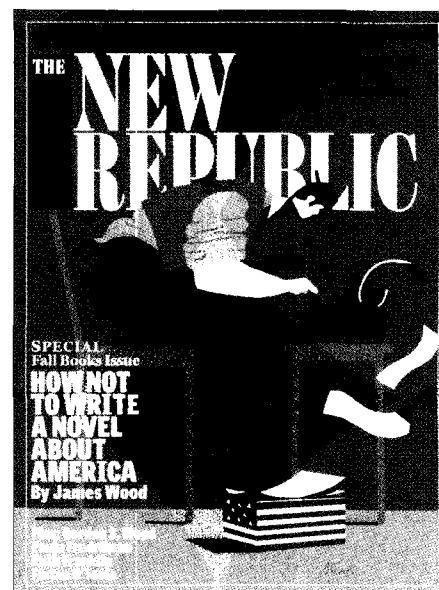
President Bush will not allow the Republicans to repeat with Muslims and Hispanics the costly damage Protestant Republicans did to the Republican Party when they were bigoted toward Catholic immigrants more than 100 years ago. Catholics should be a cornerstone of the GOP coalition, but because of that history, the GOP didn't carry a majority of the Catholic vote for Congress until 1994.

Democrats look at the Bush Republican Party's success in speaking to Muslim Americans and see their hopes dashed for a Democrat majority in the future based on "demographic destiny" as the number of immigrants and immigrant children become voters. (The Senate Democrats know Bush is succeeding. They responded to Bush's successes by holding a hastily called meeting of 20 senators and 15 Muslim- and Arab leaders on October 10 that lasted one and a half hours. This wholly partisan meeting took place during the supposed period of nonpartisanship.)

President Bush's leadership on this issue is important to the Republican Party. Since September 11 it has been important to the nation and the world. When President Bush visited a mosque and spoke out against hate crimes against Muslims, Arabs, and Sikhs, those crimes fell dramatically. He has forcefully made the case that we are at war with murderers and their allies—not a billion people and 57 nations. President Bush's calm, moral leadership stands in stark contrast to the shame of FDR and Earl Warren's decision to send 120,000 Americans into camps.

Those Americans who disagree with President Bush and share Osama bin Laden's theory that America is or should be at war with all Muslims should move to a cave north of Kabul and hang out with their fellow thinkers.

But in attacking President Bush and the



Republican Party's successful outreach to American Muslims, Foer tries to attack me personally. He claims that I recommended particular individuals or groups to attend meetings at the White House. No I did not. I told him this and suggested he do some real reporting and the White House could tell him the same.

He writes that "after a conservative activist confronted Karl Rove with dossiers about some of Bush's new friends, Rove replied, according to the activist, 'I wish I had known before the event took place.'" Well, unlike Foer, I spoke with Karl Rove, who says this is a lie. No such conversation took place. And why would Foer use an unnamed source? If this were a true story, Rove would know who it was. Supposedly he was talking with this person. Foer is not protecting a source. He is protecting a lie.

Foer also lies when he writes that White House staffer Adam Goldman told "activists and terrorism experts" that I had "vouched" for Muslims attending meetings at the White House. Goldman said this never happened.

Someone should let Foer know that the American taxpayers spend a great deal of money to pay the Secret Service to do background checks on everyone who comes to the White House or meets with the president. Anyone who really believes a bad person is going to the White House should call the Secret Service or the FBI, not a reporter for THE NEW REPUBLIC.

As with Rove and Goldman, Foer has "sources" attribute six positions to me. I hold none of those positions. He did not have the professionalism to get a response to any of them. Foer quotes, for instance, William Murray, the head of the "Religious Freedom Coalition" as saying that I have "a very liberated view of Islamic nations....

So they behead people in the public square. He thinks that's their business." Back in the real world, I believe most of the governments in Muslim countries are nondemocratic and not free. Because, sadly, they are.

Foer fails to mention that Murray put out a statement this year that Muslims should be barred from "hold[ing] any public safety position or work[ing] with any federal agency." I support religious liberty here in America and throughout the world. Murray isn't for religious freedom in America. Foer says that I wrote too kindly about the government of Qatar. The whole piece appeared on October 3 in *The Washington Times* and is available on their website so readers can judge for themselves. If Foer had read it he would have seen that while I praised Qatar for reforms both accomplished and promised—they have held local elections and are planning parliamentary elections—I wrote that it was "still an absolute monarchy, ruled by the Al-Thani family." Not my idea of a puff piece.

Foer quotes an unnamed source as saying the FBI is mad at the White House and me for doing outreach to Muslims. I asked a real intelligence expert, Vince Cannistraro, the former CIA chief of counterterrorism operations. He said what Foer wrote was "total bullsh*t."

Foer's partisan rantings aside, let me be clear on the reality. I believe that American Muslims—like active Catholics, Orthodox Jews, evangelical Christians, Mormons, and other Americans of faith—have a natural home in the Republican Party. The secular left will drive them away from the Democrats as they have so many others. I also believe that immigrants often make the best Americans—they choose to come here. They chose not to be somewhere else. I believe that all immigrant communities should and will have a natural home in the Conservative movement and the Republican Party.

Foer says that some Muslims hate capitalism, view envy as a legitimate political agenda, show disrespect for the religious values of others, and oppose a strong American military and foreign policy. This is true. This is also true of some Methodists. And there is a political party for people like that—the Democratic Party.

GROVER G. NORQUIST
President
Americans for Tax Reform
Washington, D.C.

FRANKLIN FOER REPLIES:
Grover Norquist denies that he recommended particular Muslim leaders or

Muslim groups to attend meetings at the White House. (He doesn't dispute that he provided such organizations entrée in Washington for years before the terrorist attacks.) He corroborates his claim by paraphrasing Adam Goldman of the public liaison's office. This shouldn't surprise. I included Goldman's denial in my piece. When I asked Norquist to go on the record with his own denial, however, he refused. He allowed me to quote him only as saying that he hadn't been involved in "micromanaging the specifics" of White House meetings. This halfhearted denial paled next to the specific information I obtained from three separate individuals close to the White House. In my piece, I included a snippet from an exchange between Karl Rove and a conservative activist, in which Rove described his dissatisfaction with the guest list for the White House's September 26 event. It's hardly shocking that Rove would deny this embarrassing admission, uttered in private.

Next, Norquist bashes William Murray of the Religious Freedom Coalition. This attack is irrelevant. I didn't use Murray as an authority on Norquist's position on Islam, nor did I endorse his views.

Murray merely helped illustrate the growing discontent with Norquist among conservatives. Then Norquist denies writing "puff pieces" on Qatar. Unfortunately, he fails to respond to the main thrust of my charge. In his *Washington Times* op-ed, he described Qatar as a "reliable ally." This assessment came at the very moment Qatar was condemning our war on terrorism. Nor does Norquist deny the previous lobbying he and his firm have done on Qatar's behalf.

In his last factual contention, Norquist quotes Vince Cannistraro, a former CIA chief of counterterrorism operations. But the FBI and CIA are vast organizations, with many agents now working on counterterrorism. My source spoke authoritatively and concretely about dissatisfaction with Norquist.

The editors welcome correspondence from readers. Please address letters to Correspondence, TNR, 1220 19th Street NW, Washington, D.C. 20036 (letters may also be sent electronically to tnr@aol.com). All letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be fewer than 200 words. Letters may be edited for space and clarity. Please do not send letters via fax.



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FROM WASHINGTON

Life Support

IN THE EYES of the world, we are told, the United States is losing the moral high ground in the war against terrorism. The reason: We are killing innocent Afghans. And if we kill innocent Afghans in retaliation for the killing of innocent Americans, how are we different from the Taliban?

One obvious difference, of course, is intent: For the United States, killing civilians is a tragic by-product of war, not its purpose. But the question suggests another difference: We are killing innocent Afghans "in retaliation." Even if—God forbid—the United States killed as many people in Afghanistan as it lost at the World Trade Center and the Pentagon, we would still not be the Taliban's equivalent because we kill in self-defense. Killing close to 5,000 Americans on September 11 wasn't necessary to save Afghan lives. But killing 5,000 Afghans could indeed be necessary to save American lives—if that were the only way to destroy a terrorist government that, if allowed to endure, would surely kill more Americans in the future. America may have killed more German civilians in World War II than Germany killed American civilians, but the American government's continued existence didn't threaten German lives, whereas the German government's continued existence mortally threatened American lives. The reason a government kills matters, because it determines whether that government will kill again.

In other words, this war is moral because it protects American lives. But it is also moral because it protects Afghan lives. For the number of innocent Afghans who have died in America's war to overthrow the Taliban is dwarfed by the number who will die if the Taliban remain in power.

How do we know? First, by estimating how many Afghan civilians the United States has killed. The Taliban say 1,000. But they won't allow foreign journalists to independently verify that number, which offers a clue as to how reliable it is. The Pentagon says the death toll is far less. The best

guess I've heard comes from Major Charles Heyman, editor of the military journal *Jane's World Armies*. His estimate, based on conversations with aid agencies, is 50.

Assume it's ten times that high. Then consider the events of August 8, 1998. On that day, the Taliban took Mazar-e-Sharif from the Northern Alliance. They entered a multi-ethnic city with a substantial population of Hazaras, a Persian-speaking, Shia minority clustered near the Iranian border. The Taliban despised the Hazaras—first, because the Hazaras had fiercely opposed their rule, and second, because the Sunni Taliban considered the Shia Hazaras to be infidels.

And so the conquering Taliban governor addressed the Hazaras from the loudspeaker of a city mosque. According to Human Rights Watch, Mullah Manon Niazi declared that, "Hazaras are not Muslim, they are Shia. They are *kofr* [infidels]. . . . If you do not show your loyalty, we will burn your houses and we will kill you. You either accept to be Muslims or leave Afghanistan." With that, Taliban soldiers went door to door. They looked for people with Asiatic features, supposedly a Hazara characteristic. Hazaras were told to convert on the spot—and say a Sunni prayer as proof. Those who did not were killed immediately or taken to the city jail from which many were transported to the countryside and then executed. To teach the few remaining Hazaras a lesson, Manon Niazi decreed that the dead bodies remain on the streets for close to a week. *Asiaweek* estimated the dead at over 6,000.

This is what the Taliban—which now wail about America's "genocide of Afghan civilians"—did in a couple of days. Surely, then, even if you cared only about Afghan lives, and not at all about American ones, a moral accounting would lead you to support America's war. And yet we are told that civilian deaths are turning the Muslim world against the war. How can this be? One answer is that people in Muslim countries are not aware of the Taliban's crimes. This may be true. Even in ostensibly pro-Western countries like Egypt and Saudi Arabia, the state-controlled media skips over abuses by Muslim governments in order to concentrate on abuses by Israel and the United States.

But this just hints at a deeper answer: The people who shape opinion in the Muslim world skip over abuses by Muslim governments because they do not see them as the moral equivalent of abuses by non-Muslim governments. Even if Syria commits greater human rights violations than Israel, Israel's are worse because it is a foreign occupier. Even if the Taliban kill more Afghans than America kills in its campaign to overthrow the Taliban,

America's actions are worse because they are the actions of an outside power.

These assumptions have ideological roots. Realists have generally argued that sovereignty matters more than individual rights—and, therefore, a government's mistreatment of its own people can never justify foreign intervention, even by a more benign power. Secular leftists—the intelligentsia in most Arab and Muslim countries—also cherish sovereignty because they see it as the opposite of colonialism, which is the great historical evil. Violence by a Western government is imperialist. But violence by a Muslim government is anti-imperialist, and therefore potentially legitimate. Osama bin Laden gives the same argument a religious hue: Violence aimed at ridding the Muslim world of infidels is justified; violence by infidels against Muslims is not.

In all these arguments, the moral offense is not the killing of civilians per se. And that's what the Western media misses when it juxtaposes scenes of dead Afghans with scenes of anti-American demonstrations in the Muslim world. The former is not really causing the latter. What outrages people in the Muslim world is not how many Afghans America kills, but the fact that America is killing Afghans in order to extend its political, cultural, and military reach.

None of this is to say Americans shouldn't worry about civilian casualties. Of course we should. And, ironically, one way to limit them might be to escalate the war—by flying some planes at lower altitudes, so their bombs will be more accurate, and putting more U.S. troops on the ground to help guide American planes to their targets. But worrying about civilian casualties isn't the same as worrying about the anger in other parts of the world over civilian casualties—because much of that anger does not stem from the same liberal premises as our own.

The truth is that in much of the Muslim world, people would see the United States as the evil party in Afghanistan even if we took not a single civilian life. We are, by definition, the bully—our very presence in the world makes us scapegoats for societies confused and enraged by their economic and political failures. It is easy for them to dwell on the fact that the United States now threatens Afghan lives. And it is much harder to focus on the Afghans killed by a Muslim government pursuing a Muslim ideology, far from America's reach or gaze. But that doesn't make the lives of the Hazaras of Mazar-e-Sharif any less precious. And it is on their behalf—as well as our own—that we are bombing Afghanistan today.

PETER BEINART

Where We Stand

A commentary on public education and other critical issues

Turning Point

By **SANDRA FELDMAN**, President
American Federation of Teachers

September 11th represents a turning point in America's history, and our schoolchildren will study the causes and consequences for years to come. As we emerge from the shadow of that horrific day, it is worth noting that in America, even out of those events with the most tragic consequences, it is possible to build and to grow. Out of the Civil War, for example, came the abolition of slavery and the fight for racial equality.

The indescribably destructive acts of terror changed us in ways still to be understood, but they also galvanized us, allowing us to see a side of America too often overshadowed by routine—the warmth, compassion, strength, heroism, and patriotism that make our nation great. With a renewed appreciation for our country, we can create a new and healthy discourse on a variety of issues affecting the public good.

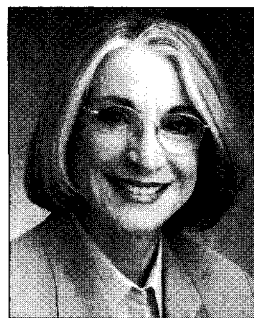
AFT members stand with other Americans behind our President as he leads the campaign to defeat terrorism and bring those who attacked our country to justice. Yet the American commitment to free speech and freedom of religion, to the open exchange of ideas and to respect for differences among us has emerged as a North Star giving guidance amidst the chaos and tragedy. The vast majority of Americans have joined in condemning bias and violence against people perceived to be from Middle Eastern countries.

We also understand that at the heart of what the terrorists sought to destroy is our democratic tradition and our respect for diversity. These values are on display every day in institutions like our public schools. They stand in stark contrast to the way of life mandated by Taliban leaders, who ban education for women and girls and allow only one form of worship.

"We are all New Yorkers"

It is especially heartwarming to see the expressions of public faith and trust in our governmental institutions. Americans are more appreciative of police officers, firefighters, health care workers, schoolteachers, postal workers, and others who serve the public. Our citizens know that we are many communities united as a nation. When one of us is attacked, it is as if all of us have been hit, and each of us suffers. As many have been saying, paraphrasing the famous words of John Kennedy at the Berlin Wall, "We are all New Yorkers." And Americans understand that government is best equipped, and best able, to respond appropriately and comprehensively to serious threats and crises.

Does the renewed trust mean that debate will end? Does the new unity mean that political differences will cease to exist? Of course not.



Can patriotic pride improve our public debate on national issues?

Indeed, we already see arguments—in academia and elsewhere—over the role government should play. We see a return to policy differences as Congress comes back to the nation's business. That is as it should be. Because we protect dissent and encourage dialogue, because we allow corrections through the democratic process, and because we respect one another, we continue to show the world that tolerance and democracy breed success. All of the flags that have covered this nation with a tapestry of red, white and blue are symbols of the principles that allow us to disagree and dissent—they're not a substitute for them.

Gaining perspective

Our schools, perhaps more than any other public institution, bring together children and therefore families of every race, ethnicity, and religion. Muslim girls in headscarves go to class with friends wearing elaborate, colorful braids. Parents help schools celebrate holidays of different cultures with home-cooked food representing their varied cultures, from hummus to jerk chicken to knishes to bologna sandwiches on white bread.

But none of that substitutes for learning about the great history of our nation and the freedoms that generations of Americans have fought to protect. It is important for schools to teach about democracy, about the values that include respect for human rights and individual differences and, at the same time, provide our children an understanding of what brings us together, and how to make wise choices and to distinguish right from wrong.

Perhaps with the perspective that comes from the tragedy of the attacks, we can learn to disagree in a more civil manner. We can choose our battles more wisely and focus on making meaningful improvements rather than squandering opportunities. For instance, we can invest in quality health-care, and we can support our public schools, and work constructively to improve them rather than spending time tearing them down.

At this turning point in our nation's history, our response needs to be representative of the great society we are. We need to find strength in our diversity and reject cynicism and bigotry in order to ensure our children's future. ■

Where We Stand is published once every month in *The New Republic*. © Sandra Feldman 2001. To comment, write to Sandra Feldman, AFT, 555 New Jersey Ave. N.W., Washington, DC 20001. To see previous columns and access other resources, visit our web site at <http://www.aft.org>.



Hit the Ground

THERE IS SOMETHING exceedingly strange about America's war in Afghanistan. It appears to be a war that involves little in the way of real American combat. The reason is plain: combat implies casualties, and according to the reigning dogma, the American people are soft and sentimental, and cannot

abide battlefield losses. Since Somalia, war without death seems to have become the American strategic ideal. This was nonsense then, and it is worse than nonsense now. After all, this war began with American deaths, with an obscene number of them, and all of them noncombatants. And yet the fiction endures among our soldiers and our statesmen.

"For the first time in our history," Vice President Cheney said on October 25, "we will probably suffer more casualties here at home in America than among our troops overseas." Look closely at that remark. It appears to be a statement of historical fact about September 11. But in truth it refers not to the past, but to the future. It is a coded promise that body bags will not be returned from the Hindu Kush, an assurance that few Americans will die abroad.

It is a completely spurious assurance, if our objective is victory. President Bush may not have explicitly ruled out the use of ground forces, as his predecessor stupidly did in Kosovo, but his conduct of the war has sent the same lulling message: the United States will not put large numbers of troops on the ground. And how does the president propose to destroy Al Qaeda and the Taliban without them? He is relying on three other military instruments: airpower, proxies, and Special Operations forces.

Two months since September 11, and one month since American bombing began, these three instruments have gotten us exactly nowhere. That is not surprising: they have seldom gotten us anywhere. Airpower certainly has a rather impressive record of failure, which the American military has regularly documented and regularly forgotten. From the Strategic Bombing Survey undertaken in the aftermath of the Second World War to the Gulf War Air Power Survey and similar analyses of the air war over Kosovo, the studies

all tell the same story: bombing is a necessary condition, but not a sufficient condition, for battlefield victory. Every generation of American policymakers learns this lesson anew, but this generation's learning curve has proved steeper than most. The amazing technologies of stealth and precision guidance make the illusion almost irresistible.

Though it employed airpower with greater frequency than any other administration in recent memory, the proclaimed effectiveness of the Clinton administration's bombing campaigns in Iraq, Bosnia, and Kosovo was contrived and largely fanciful. In Iraq, eight years of intermittent bombing was merely a feckless cover for the benign neglect of Saddam Hussein's slow recovery from his defeat a

decade ago. In Bosnia, it took a Croatian offensive to halt Serbia's depredations. In Kosovo, the ethnic cleansing did not end until Slobodan Milosevic was confronted with the threat of an imminent deployment of American ground forces.

If the innovation of the Clinton years was action in lieu of purpose, the result was to invite Americans—including the famously hard-boiled members of the Bush national security team—to wallow in the conceit that wars can be won bloodlessly and from a high altitude. The Clinton team prosecuted an entire war from 15,000 feet; and the Bush team is now fighting one from 16,000 feet. The Taliban, unfortunately, reside on the ground. And they show little sign of cracking under the fusillade from above. "I'm a bit surprised at how doggedly they are hanging on to power," a Pentagon spokesman conceded last week. Surprised? Like previous adversaries, the Taliban have adjusted cleverly and predictably to the air campaign, moving heavy weaponry into mosques and hunkering down in trenches and caves. Meanwhile footage of the regrettable, inevitable collateral damage that results from even the most precise of air campaigns is slowly overtaking the footage that really matters—the ruin of downtown Manhattan—and weakening the will of our already weak-willed allies. Having found refuge in places that America will not, or cannot, bomb, it appears the Taliban will rule Afghanistan through the winter, thereby handing the United States a humiliating and gratuitous defeat.

To be sure, the American war does have what our generals call a "ground component." The problem is that there is nothing American about it. The army carrying the burden of our self-defense so far consists of ill-equipped Tajiks, Uzbeks, and other local foes of the Taliban. Again, we are repeating imperfect history: the reliance on proxies, too, has a long and

undistinguished history in American warfare. From the Army of the Republic of South Vietnam to the Kosovo Liberation Army to the Cuban exiles America dispatched to the Bay of Pigs, the United States has repeatedly turned to indigenous forces to fight wars it wanted fought, but not enough to fight them itself. Sometimes the effort has succeeded, but usually it has failed: in training, equipment, and professionalism, Third World clients cannot match the combat efficiency of the U.S. Army. The policy of proxies might be an acceptable strategy when it comes to sideshows—wars of secondary importance in Africa, Central America, and Southeast Asia. But this war is not a sideshow. It is not a war launched on the periphery for secondary aims. It cannot be “outsourced.”

Of all the proxies the United States has enlisted over the past half-century, the Northern Alliance may be the least prepared to attain America’s battlefield objectives. This week, after opposing the Northern Alliance’s advance at the behest of the State Department for close to a month, the Bush administration is reportedly pressing for aggressive action. But the Northern Alliance remains far weaker than its adversary, it boasts far fewer troops, and lacks the determination of its foe. Winter is already arriving in northern Afghanistan, and with it the shuttering of the Alliance’s supply routes. Its forces lack fuel and ammunition, remain pathetically divided, and seem in no rush to march to an American timetable. “Most of the fighting we’re doing,” concedes Haron Amin, the Northern Alliance’s Washington representative, “is basically on horseback with light weapons.”

To rid Afghanistan of the Taliban, and the world of Osama bin Laden, ground forces will likely need to march not only on Kabul, but also through the Pashtun-dominated South of this derangingly rugged country, where hostility to the overwhelming non-Pashtun Northern Alliance and sympathy for the Taliban is pervasive. The Bush team fears that this would provoke a Pashtun uprising, and so it has sought to encourage an indigenous anti-Taliban insurgency in the South. But the effort has thus far gone exactly nowhere. Having defined the threat as world-historical and irredeemably malignant, the Bush team now finds itself relying on the equivocal action of a feeble and despised army. This it does for one reason and one reason alone: the fear of putting American soldiers in harm’s way.

True, the United States has dispatched a small number of Special Forces teams to assist the Northern Alliance and coordinate U.S. air strikes. The media has somewhat comically treated their presence as a powerful symbol of political resolve, reporting in detail their comings and their goings

and the movement—by quantity and by type—of their support aircraft. The administration has responded in kind, revealing during a neatly choreographed raid everything except the hour of attack and the actual target plan. Special Forces certainly make good television, as Hollywood has known for decades. But Special Forces do not win wars. As liaisons and commandos, and in reconnaissance missions, they are useful; and they are certainly capable of derring-do. In more ambitious roles, however, their record is mixed. The problem is not one of competence, but of capability. From the ill-fated Desert One mission inside Khomeini’s Iran to the fruitless Scud-hunting forays during the Gulf war to the catastrophe in Mogadishu, the failures of elite forces have largely derived from their misuse. Trained to achieve precise and narrow aims, Special Forces are routinely employed by policymakers as a substitute for conventional forces rather than as a corollary to them. American planners seem to have forgotten that sooner or later the cavalry must arrive.

The Bush administration has weirdly banished the word “conventional” from the lexicon of its war on terror. General Tommy Franks, head of U.S. Central Command, says that the war is not about “occupying major strategic terrain” and, hence, offers “the easiest exit strategy we’ve had in years.” That is why the Pentagon publicly touts Special Forces, whose mission is neither to seize territory nor to hold it, as its weapon of choice in Afghanistan. But is the war against the Taliban really so unconventional? Destroying Al Qaeda’s mountain hideouts in southern Afghanistan may require an unconventional approach. Special Forces are fine for strikes against caves. But rooting out Taliban troops from their World War One-like trench lines (and many of those troops, remember, work for Al Qaeda) demands something more overwhelming.

It is also a task that America’s comparative advantage in firepower suits perfectly. But so far the amount of firepower brought to bear against the Taliban front line represents only a puny fraction of the American arsenal. Special Forces, by contrast, suffer from the same constraints that hamper the Northern Alliance: cold weather, light arms, and small numbers. As a result, relying on them to achieve America’s aims inside Afghanistan yields the same dilemma as depending on airpower and the Northern Alliance. It needlessly drags out the war, with all the political mishaps that such prevarication entails.

If this war is as decisive as the administration says it is, then the means by which it is waged should be just as decisive. Are we afraid? Have we succumbed to the legend of Afghanistan? What has become of our fury? Liberty Plaza is still smoldering. ■

POISONED PRESS: Yes, the country has bigger things on its mind right now. Still, it's hard to believe how little media attention was paid to the Bush administration's decision last week to significantly reduce arsenic in drinking water. When Environmental Protection Agency Administrator Christine Todd Whitman decided last March to delay a pending Clinton administration arsenic-reduction rule—not kill, mind you, merely suspend—the press treated the news as an earth-shaking scandal. It was a front-page headline in *The New York Times*, *The Washington Post*, and most other major papers, and remained a prominent story for weeks, the focus of a hundred irate editorials and the source of countless zinging columns. The *Times* editorial page described the administration's decision on “poisoned drinking water” as “aggressively hostile”; columnist Maureen Dowd went further, arguing that “W. wants to keep the poison in—to help the enviro-villains who contributed to his campaign.” Last week, when Whitman announced she would uphold the arsenic standard exactly as Clinton wrote it, the story made page A18 of the *Times* and A31 of the *Post*. We're still waiting for the editorialists and columnists who were so outraged in March to acknowledge that the administration has done the right thing now.

IDIOCY WATCH, CONT'D: “There is an escalation of the corporate takeover of the United States [in the wake of September 11]. The ground and soil are ripe for a revolt by the American people.”—Ralph Nader, November 5

“What do Saddam Hussein and Senate Majority Leader Tom Daschle have in common? Neither man wants America to drill for oil in Alaska's Arctic National Wildlife Refuge.”—press release by American Renewal, the nonprofit and tax-exempt “legislative action arm” of the Family Research Council

FIGHTING FIRE WITH FIREMEN:

In the wake of the September 11 attacks, House Republicans have shamefully pushed longtime pet projects designed to pay off big contribu-

tors—corporate tax breaks, medical savings accounts—as integral elements of the nation's new war on terror. Democrats have for the most part declined to follow suit. Until now. Last week Senate Majority Leader Tom Daschle introduced an amendment to a health and labor appropriations bill that would guarantee collective bargaining rights to firefighters and cops nationwide. (Currently those rules are left to the states.) Now, there are good arguments for doing this—but there are also good arguments against doing it. And notwithstanding the recent (and deserved) groundswell of support for police and firefighters, none of these arguments have anything to do with what happened to the World Trade Center. But don't tell that to Chuck Schumer, who took to the Senate floor to describe the amendment as an aid package for the heroes of September 11. “I know people from all over the country were riveted on the great work of our firefighters as well as our police and rescue workers in New York,” he admonished his colleagues. “But they also need help. They are trying to feed families.” Daschle's pitch was more subtle, but still managed to conjure the memory of those slain in New York. “Fewer firefighters are killed in the line of duty in states where collective bargaining exists,” the Democratic leader told the chamber, citing an anonymous study. Of course, there's no evidence that all the unionizing in the world would have saved a single life on September 11. More importantly, New York City police and firefighters *already have* the right to



collective bargaining. But why let facts get in the way of a little political opportunism?

FLIGHT SCHOOL: Good lobbyists must possess the ability to make a self-interested argument sound broad-minded, and a bad argument sound good, or at least confusing enough that casual observers aren't sure. But some lobbyists are better than others. And so consider the public relations efforts in recent weeks of one Kenneth Quinn, the man hired by airport security firms to convince Congress that airport security should be left in private hands, despite the private sector's rather dramatic inability to keep Americans alive. Quinn's chosen line of argument is that airport security firms do a perfectly good job of enforcing the law, but that the laws themselves are too lax. (This, as it happens, is exactly the opposite of the National Rifle Association's argument about guns: that we don't need new gun laws, we need to better enforce the ones we have. But that logical contradiction hasn't stopped many conservatives from parroting Quinn's line.) As a matter of fact, Quinn explains, "The problem with September 11 was not a breakdown in the private security work force." But here Quinn has a problem. For not only is the system breaking down, but one of the companies chiefly responsible for its breakdown is Quinn's client, Argenbright Security. Last year Argenbright was fined for hiring former drug dealers and other felons as baggage screeners, and for falsifying training and back-

ground checks. Then, last month, Argenbright was again charged with hiring felons and not performing background checks. Finally, this week, its employees allowed a man to pass through security carrying seven knives and a stun gun. Quinn is doing his best to stay unfazed. "There's been too much finger-pointing in this whole process," he recently told CNN. Excuse us, but when a dereliction of duty causes the death of thousands of Americans, and the industry responsible continues the same pattern of irresponsibility even afterwards, finger-pointing may be exactly the right response. It sure beats shameless flackery.

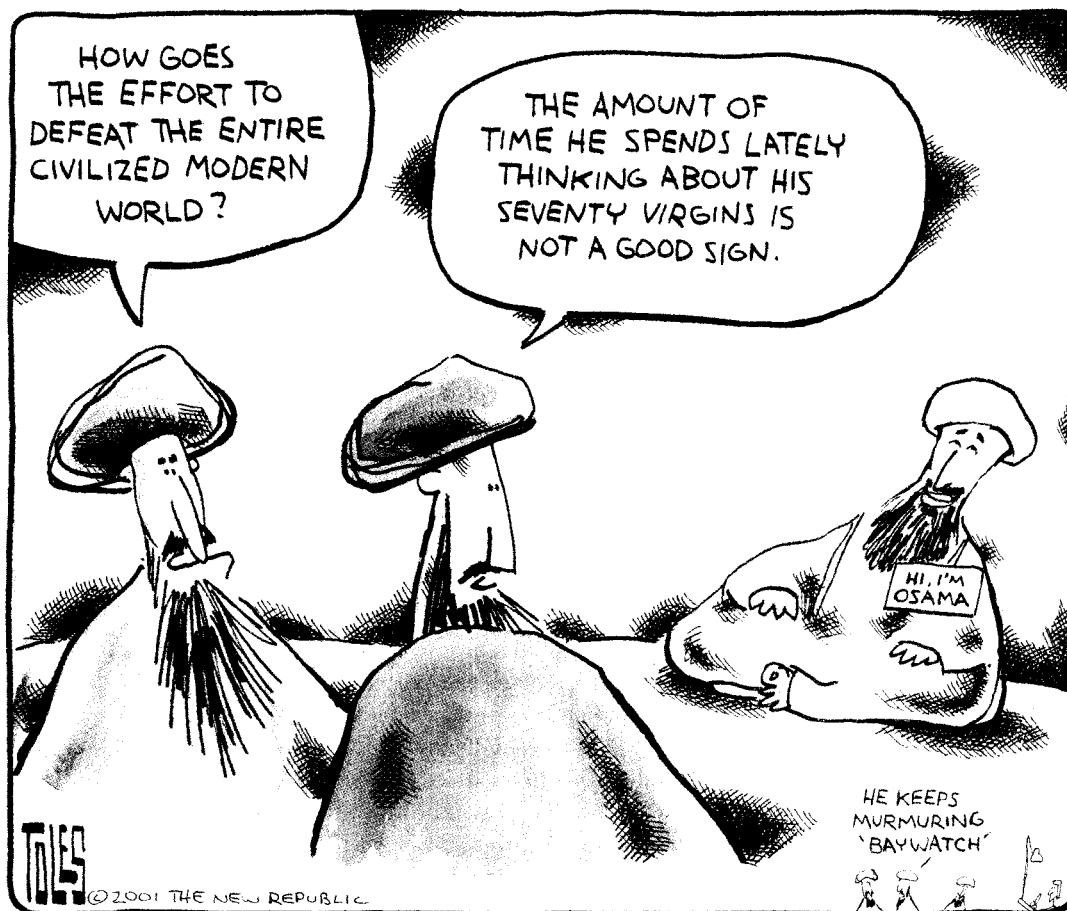
PARTICULARLY WHEN IT'S AT 9,500: "Of course, if you call your book *Dow 36,000*, you set yourself up as a target..."—James Glassman, author of the 1999 book *Dow 36,000*, introducing his new *Washington Post* column on investing, November 4

OR MAYBE NOT: "The stylized television footage and photographs of bin Laden suggest a man of homoerotic narcissism, and maybe we can draw a grain of hope from that."—John Le Carré, in the November 19 issue of *The Nation*

THE END OF THE END OF IRONY: "[There are] two basic show-business personality types, the Merry Chatterer (Steve Ross, most of the DreamWorks principals...) and the Inscrutable Hardass (Michael Ovitz, Barry Diller, John Malone). George finds virtues in both."—Kurt Andersen, in his 1999 novel *Turn of the Century*

"These are not ironies. These are the insider banalities of a man who would like to be asked to dinner... *Turn of the Century* is ... a 659-page job application directed toward the Merry Chatterers and the Inscrutable Hardasses."—Lee Siegel, reviewing the novel in *TNR*, July 5, 1999

"Kurt Andersen is about to ... team up as a consultant with Barry Diller's USA Entertainment as a creative consultant."—*New York Post*, October 10 ■



On the Hill

Personal Time

By MICHAEL CROWLEY



PATRICK LEAHY DOESN'T look like an especially groovy guy. He is bald and pale, speaks in a gravely monotone, and wears drab gray suits. If you didn't know he was a U.S. senator, you might peg him for a NASA engineer. But upon closer inspection, the Vermont Democrat turns out to have some unexpectedly funky tastes. He is, for instance, an avowed Grateful Dead fan who can explain the bootleg concert-tape trade, and who once brought Jerry Garcia to the Senate dining room. He has dined with U2 singer Bono and, at last year's Democratic convention, hosted a bash at Hollywood's Sunset Room featuring sultry rocker Sheryl Crow. Leahy even took to the Senate floor in 1994 to hail the mass appeal of his state's answer to the Dead—the trippy jam band Phish. (“Add two trampolines, a vacuum cleaner, a first-rate light show, and you have a live performance that is hard to forget,” he explained to the American people.) Leahy is also a Batman fanatic who owns hundreds of masked-man comic books, has appeared in a Batman movie, and penned the introduction to a Batman book. Throw in his other signature issues—defusing old land mines, protecting Internet privacy (he has been called “the cybersenator”), promoting Ben and Jerry's ice cream—and Leahy starts to seem pretty cool for an old white guy in a suit.

This quirky repertoire delights liberal fans from Burlington to Berkeley—especially since Leahy's ascension this year to chairman of the Senate Judiciary Committee. In his new post, Leahy is one of the most powerful Democrats in Congress. He has the power to block George W. Bush's judicial

nominees, including any future Supreme Court appointments and, since September 11, has been a fulcrum of the debate over granting law enforcement new powers to fight terrorism.

But it has been a rough transition from Senator Mellow to Mr. Chairman. Leahy has found himself under near-constant assault from Republicans who say he plays vindictive games with their judicial nominees. The attorney general has suggested that he endangered the public by trying to stall and water down anti-terrorism legislation. Even fellow Democrats claim he has been imperious, hypersensitive, and a pain to work with. Indeed, Leahy is fast becoming one of the most resented members of the Senate. And this isolation—from his Democratic colleagues as well as his Republican antagonists—is starting to undermine the political causes about which he cares so much.

For most of his 27 years in the Senate, Leahy has been less a legislative heavyweight than a spokesman for the NPR set, a champion of liberal causes like expanding political asylum, death sentence reviews, and ending the travel ban on Cuba. When the Senate gave nonbinding approval to missile defense in 1999, Leahy cast one of just three dissenting votes. Throughout the 1990s he pushed, in opposition to the Clinton administration, for a global treaty outlawing land mines. And Leahy was among the Senate's bluntest critics of the Supreme Court after its *Bush v. Gore* decision, fuming, “Their credibility . . . and their moral posture is so diminished, it will take years to repair.”

All that changed in May, when the defection of his fellow Vermonter, Jim Jeffords, tipped the Senate to Democratic control. Delaware Senator Joe Biden was next in line to chair the Judiciary Committee, but instead chose to take over Foreign Relations. And so, Leahy suddenly had a powerful perch. Liberal interest groups were thrilled. But on Capitol Hill the reaction was less effusive. Some Democrats considered Leahy to be fairly pleasant, someone with “a real low-key affability,” as one party operative puts it. But many others found him prickly and arrogant. “He always had a much higher view of himself than anyone else,” says a former top aide to another liberal Senate Democrat who remembers his boss disliking Leahy despite their ideological kinship.

And, as feared, Leahy hasn't made many friends during his short tenure as chairman. Even by the testy standards of judicial nominations, Republicans have reacted viscerally to his stewardship. On one level, the complaints are hard to take too seriously. Though *The Wall Street Journal* editorial page has attacked him for “unprecedented stonewalling on judges,” Leahy has treated nominees no worse than Republicans treated Clinton's. A Democratic operative notes that Leahy has an “extraordinarily difficult” job as Judiciary chairman and should be given some slack. But GOP senators insist Leahy has made the process unusually personal. According to a Senate Republican aide, after Idaho Republican Larry Craig criticized Leahy in the media, Leahy told him that one of his home-state judges would have to wait until next year for a hearing. The aide also says Leahy warned Charles Grassley of Iowa that if he signed a letter of grievance circulating among Republican Judiciary Committee members, his judges' scheduled hearings would be canceled. (Aides to the

"No Truer Friend"

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at the

Hoover Institution.

British prime minister Tony Blair has been the dominant foreign leader at President Bush's side throughout the present crisis. He has been a constant presence: at the president's congressional address, taking the lead in laying out the evidence against Osama bin Laden, pressing other foreign leaders on behalf of coalition building, making key policy pronouncements, and contributing British forces to the war effort. In sum, **Blair on behalf of Britain has been vigorously carrying on the long tradition of an Anglo-American special relationship.**

Why is Britain so important to the United States? To begin with, Britain is an exceptional friend. The United States and Britain have collaborated in every major military and diplomatic action of the twentieth century, suffering only the briefest disagreements. Even when the United States has faced significant opposition to its policies from traditional allies, as in the bombing of Libya, the British have stood with us, offering their bases, their intelligence, and most important their prestigious support.

Even though militarily less powerful, Britain still boasts invaluable strength in strategic situations. For example, 20,000 British forces and two dozen British warships were available in the gulf region immediately after September 11. Indeed, Britain continues to be an important force in both the gulf and South Asian areas and is still collaborating with the United States in the bombing missions over Iraq. Britain also makes a base on the strategically important island of Diego Garcia in the Indian Ocean available to the United States.

On the diplomatic side Blair has demonstrated again how valuable Britain can be in reaching out both to allies and to uncertain or wavering states. **Britain often has access to and influence in places where the United States does not or is unwelcome.** Britain, for example, retains important contacts in the Middle East, such as in Saudi Arabia and Jordan, which exceed U.S. influence. And British contacts in Africa are much more influential than American contacts. There are often situations where the British can approach an estranged power where we cannot, such as British foreign secretary Jack Straw's recent trip to Iran to enlist its support. London also continues as the economic and financial capital for a great number of developing nations, giving Britain complex economic and financial relationships with a wide variety of countries. This is why the British were able to immediately freeze much more of Osama bin Laden's financial resources than did a similar presidential action in the United States. Finally, British leaders are often valuable in putting out policy "trial balloons" to test reactions that could engender considerable political damage if they had come directly from the United States. Blair's predecessor John Major provided this valuable help during the gulf war, and Blair is again helping out in this direction.

Looking at the sum of the Anglo-American relationship during this crisis tells us that President Bush was indeed sincere when he told Congress that we have "no truer friend" than Britain.

— Gerald A. Dorfman

Paid for by the Hoover Institution, Stanford University



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senators didn't respond, and a Leahy staffer says he doesn't know anything about the charges.) Meanwhile, Colorado's two GOP Senators, Wayne Allard and Ben Nighthorse Campbell, told *Roll Call* last month that Leahy implied their support for a GOP filibuster—protesting stalled nominations—would affect the fate of their judges. (A Leahy aide told me that anyone familiar with the senator's dry wit would understand that he was kidding.) As a result, Leahy has become the subject of profane denunciations by Republican senators during their weekly policy lunches, according to one attendee. Adds a top Republican aide, "They are taking his actions personally because it seems to be the way he operates."

Such accusations would be easier to dismiss as partisan sniping if members of Leahy's own party weren't grousing as well. Democratic staffers are still buzzing, for instance, about Leahy's harsh treatment of California Democrat Dianne Feinstein at a September 13 Judiciary hearing on a Justice Department authorization bill. Feinstein wanted to introduce an amendment adding several new judicial slots for California's Southern District Court, where she argued backlogs had created a state of "crisis." She'd tried for months to add the judges, Feinstein pleaded, without avail. "I don't do this lightly," a transcript shows her saying. "I obviously don't like to annoy my chairman. I have tried and I have tried and I have tried, and now I fight."

"Don't speak of annoyance," Leahy snapped. "This is not a time to be personal on these things." Leahy then patronizingly suggested that Feinstein "may not have understood" an earlier promise he made to pass the measure if she would hold off for now. "I was told you would not approve that," Feinstein fired back, "and I would be 'Rule Sixteen'"—i.e., shot down. Several other senators—including the liberal Democrat Dick Durbin—rose to Feinstein's defense. Growing ever more irritated, Leahy turned "beet red," according to an aide, and snapped at Feinstein for talking to her staff while he was speaking. The two senators finally retreated to a private anteroom, from which they could be heard yelling at each other. By the end of the exchange, witnesses say, Feinstein was practically in tears.

Multiple people to whom I related this story replied that anyone who so upsets Dianne Feinstein—less than a fan favorite herself—must be doing something right. And a Leahy aide notes that Feinstein's amendment was added to the bill a few weeks later. But others say that Leahy's response to this mild insubordination was typical. "He'll blow up at you," says a basically sympathetic observer. "Even if you don't make it personal, he'll take it personally."

AND LEAHY'S PRICKLINESS is starting to have national policy ramifications. Consider what happened during negotiations last month over emergency anti-terrorism legislation. At the outset, the Bush administration was confident it would get enhanced law enforcement authority from the GOP-controlled House. It was Leahy and the Democratic-controlled Senate they worried about. After all, last year Leahy, a former prosecutor deeply wary of broad law enforcement powers, almost single-handedly sank a similar anti-terrorism bill crafted by Feinstein and Arizona Repub-

lican Jon Kyl (See "Sin of Commission," by Franklin Foer, October 8). And the September 11 attacks appeared to do little to change his mind. When Attorney General John Ashcroft asked Congress for swift passage of expanded wiretapping, detention, and evidence-sharing powers, Leahy insisted on opening up detailed negotiations with Justice Department and White House officials before advancing a bill out of his committee.

Few people objected to such consultation. But Leahy proceeded to alienate his colleagues by limiting the talks to a narrow circle consisting of himself, Ted Kennedy, ranking Judiciary Republican Orrin Hatch, and Justice Department officials. When other Judiciary Committee senators—primarily Feinstein and New York's Chuck Schumer—suggested changes, Leahy and his famously thorny chief counsel, Bruce Cohen, closed ranks further, implying that the negotiations were his responsibility alone. "I think it was a mistake to go ahead with that view of the world," says one civil liberties lobbyist.

And, in a sad irony, Leahy's insularity appears to have made the bill *less* protective of civil liberties. Had Leahy been more open to working with his fellow senators, some observers say, he might have had enough support in his committee to alter the bill more to his liking. Instead he went it largely solo. At an October 2 press conference, Ashcroft, joined by Hatch and Senate Minority Leader Trent Lott, implied that Leahy was stalling the legislation and leaving the public "susceptible" to more attacks. It was a startlingly partisan move—and one that appalled Leahy, who accuses the White House of shifting its own time-consuming delays—but it worked. Without allies on his committee, and quite likely under pressure from Senate Majority Leader Tom Daschle, who was concerned about the Democrats looking weak on terrorism, Leahy was forced to cave, according to observers.

The outcome: The Senate, as *The Wall Street Journal* put it, "produced a bill whose vast expansion of law-enforcement powers delivers almost everything the Bush administration sought." In the House, by contrast, a coalition of ACLU liberals and anti-government conservatives succeeded in adding a sunset provision phasing out expanded wiretap authority after five years, along with other restraints. (The final bill includes a four-year sunset.)

Leahy takes credit for slowing down and restraining Ashcroft's original plan. But the anti-terrorism fight clearly left a sour taste in his mouth. At an October 25 press conference celebrating Senate passage of the final bill, he wore the sullen frown of a sore loser. Even as the C-SPAN cameras rolled, he couldn't resist scowling and bickering with Hatch. Things got so touchy that Lott had to step in and defuse the tension with a joke about what a "magnificent achievement" it was getting the two to agree.

But then, despite his Deadhead tastes, Leahy has never pretended to be all sunshine and flowers. Indeed, when he emerged from the 1997 premiere of *Batman & Robin*, Leahy complained that the movie presented too cheery a vision of a superhero who was, after all, first conceived as an obsessed loner seeking vengeance for his parents' deaths. "I'd love to get back to the dark side," Leahy told *The Hill*. In his own work, at least, he seems to be succeeding. ■

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African American Muslims, and why it's hard to be both. Native Speakers

By MICHELLE COTTLE

YOU DIDN'T NEED to go trick-or-treating on Halloween to get a good scare. All you had to do was flip on C-SPAN2 any time between 7 and 11 o'clock and watch the "New Black Panther Party and Muslims for Truth and Justice Town Hall Meeting" at the National Press Club in Washington. Moderated by Panther Amir Muhammad, the event featured a parade of exceedingly angry imams, activists, and audience members melding black-power salutes and Koranic quotations with loud denunciations of the United States as "the Great Satan." Beefy Panthers in military-style garb formed a menacing backdrop for prayer leaders peddling conspiracy theories—in particular, the U.S. government and media's cover up of Israel's role in every terrorist episode from the 1998 American Embassy bombings to the September 11 hijackings. Uncle Sam, charged Amir Muhammad, "is the number-one oppressor in the history of the planet Earth, the number-one murderer on the planet Earth, and the number-one spreader of terror on the planet Earth."

Flash forward two days to Friday services at Masjid Muhammad in Northwest D.C. Inside the prayer hall, some 150 worshipers sit beneath whirring fans, listening to visiting Imam Abdul Malik Mohammed denounce the C-SPAN event. "Do you want me to believe that the environment that guarantees me protection to pray five times a day and that ordains itself, its credibility, under God's trust—you want me to suspect it? To feel bad about it?" he bellows. "Go to hell!" The imam not only defends the United States, he suggests it is the Middle East where something has gone badly wrong with Islam. "[W]hile the Muslim World has had the Koran and they have recited the Koran and the Koran has dwelled in their hearts . . . I contend that, in view of circumstances that we have witnessed for many years, Mohammed the Prophet is not known to them." Chiding listeners to stop deferring to foreign-born Muslims just because "they step before you and they're wearing robes and turbans and it makes you think they're back there with Mohammed the Prophet," he argues that Old World Muslims have been mere "warm-up speakers" for African Americans. "God is correcting [misconceptions of] Islam in the world," he says, "and he is not correcting it in the East! He is correcting it in the West!"

In fact, during these troubled times, African American Muslims should be well positioned to do much "correcting" of American misperceptions about Islam, not to mention Muslim misperceptions of the United States. African American Muslims are, after all, living proof that Islam has deep roots on these shores. That it need not speak with a foreign accent. That it is no more alien, or hostile, than the streets of Harlem, Chicago, or East St. Louis, where it thrives.

But then, that is precisely the problem. The people who might best speak to the Muslim world about the United States are themselves often deeply conflicted Americans. For every imam like Abdul Malik Mohammed, who promotes a distinctly American Islam, free from the hatreds of the Middle East, there is an Amir Muhammed, whose Islam represents a direct rejection of American culture, a righteous banner under which African Americans must rally against their historical oppressors.

But if it's difficult for black Muslims to speak to the Islamic world as proud Americans, it's often just as difficult for them to speak to Americans about Islam. For most Americans, Muslim means Arab. And black leaders complain that, for too long, immigrant Muslims have set themselves up as the sole gatekeepers of the faith. As a result, instead of now serving as ambassadors for their religion or for their country, many African American Muslims feel trapped in the center of a storm, unable to make themselves heard, and unsure, perhaps, of even what they want to say.

IT'S NO SECRET that "the black community has its own beef with the white community," notes Aminah McCloud, an associate professor of Religious Studies at DePaul University in Chicago. Indeed, the very roots of Islam among African Americans are tangled up in the fight against white racism. Though Islam first arrived here in the hull of slave ships, it didn't catch fire until the 1950s and 1960s, with the rise of the Nation of Islam under the late Elijah Mohammed and Malcolm X. Initially bearing little resemblance to orthodox Islam, the Nation peddled a black nationalist ideology that was more about toppling white power than serving Allah. Today, though most African American Muslims practice a more traditional Islam, traces of racial struggle remain, both in sermons and in the way congregants interpret Islam's message.

All of which makes it hard for African American Muslims to tell their brethren overseas that the United States does not hate their faith. Nationwide, polls show that black Americans are more critical than whites of the U.S. war on terror, and in certain circles suspicion runs high that the government is using September 11 as an excuse to wage war on Islam. "We know, as only people who have lived subserviently among Caucasians can, that the white men who run the country . . . are lying," says McCloud's husband, Frederick Thaufeer al-Deen, formerly an imam with the federal prison system. This so-called war on terror is just the government's latest attempt to justify unjust foreign policy decisions ranging from the support of Palestinian oppression to the presence of U.S. troops in Saudi Arabia, he says. "We're trying to do something over there that is wrong."

In this worldview, Osama bin Laden is more scapegoat than villain. The always controversial Louis Farrakhan made waves recently with his demand for the United States to produce evidence of bin Laden's guilt—a call echoed more quietly by many in the black community. Ghayth Nur Kashif, imam of the Masjidush-Shura in Southeast Washington, does not say explicitly whether he believes bin Laden to be innocent, but compares the U.S. hunt for the Saudi exile to "the Klan-type activities" of the 1930s and 1940s. "Whenever

something happened to a white girl or white woman," he recalls, "people would grab the first black man who was about the right height and age." Now he and others insist that bin Laden is being similarly targeted. "When [Bush] said he wanted [bin Laden] dead or alive," a local pastor told *The Washington Post*, "he was calling out the posse, and black people know the posse. They come by and get you in the middle of the night and kill you without due process." Some go even further. "For the record, I love Osama bin Laden," says al-Deen. "I don't excuse any tactic he had to use by being a guerrilla-warfare fighter, but I understand."

One voice notably absent from the public arena has been W. Deen Mohammed, son of the late Elijah Mohammed and head of the Muslim American Society, the nation's largest organization of African American Muslims. In 1975 it was W. Deen who rejected the racist ideology of the Nation of Islam and led the group's members into orthodox Sunnism (opening a schism with black-power advocates like Farrakhan that has only begun to heal in the past year or so). W. Deen is arguably the most authoritative voice for black Muslims. But since issuing a brief condemnation of the September 11 attacks and a plea for Muslims to "stay calm and remain in our good sense," the imam has remained largely silent, leaving a chorus of others to fill the void. Which is a pity. Because if African Americans don't reject the loud voices spewing hate-filled messages, Imam Abdul Malik Mohammed (a devotee of W. Deen) warned the folks at Masjid Muhammad, the radicals will taint the entire community. "Persons will watch this and associate that kind of thinking with us," he said. Americans will see all of this "ugly ranting and raving, this irresponsible language," and think of all Muslims, "This is what they feel in their hearts."

BUT IF MANY African American Muslims reject the role of American ambassadors to their co-religionists, they also face obstacles in serving as interpreters of Islam for a U.S. audience. "When folks want to know about Islam, they have always gone to the immigrant community," gripes McCloud. It's telling, she says, that after September 11, "who came to the White House to represent Islam? The immigrant community. The African American community felt very dismayed." Even Oprah Winfrey has been accused of bias: Kashif's wife, Hafeeza, says she was dismayed one afternoon to see "all these Muslims on—and not one was African American."

In part, this is because when most Americans think of American Muslims, they think of immigrants. But it's also because the immigrant community itself at times treats African Americans as second-class Muslims. "I used to be around a lot of Eastern Muslims," says Muhammad Abdul Rahman, a member of Masjidush-Shura. "They would come over here and treat us like we were babes in Islam. They thought they should be our leaders just because they could speak Arabic. They would come into [our] *masjids* and try to be our teachers." September 11, he says, "is bringing all this stuff back up."

The divide is partly cultural and economic. McCloud notes, "We have in the African American community a host of imams who are men who work full-time jobs. . . . They don't have the luxury of being paid to be just an imam." Al-Deen,

expressing the views of many he counseled over the years, puts it more bluntly: "They have the money and we don't. It's a sour-grapes kind of thing." And, he says, Muslim immigrants have traditionally failed to reach out to African Americans: "They come over with their money and their degrees and with an insular view of Islam. . . . They hide in their jobs and their little communities."

For a people long considered second-class citizens within their own country, being treated like second-class citizens within their own religion is a sore point—particularly now, when Islam's role in America is a topic of unprecedented public debate. "Our role in America is critical," says Imam Kashif. "Immigrant Muslims to a great extent don't know the terrain. They don't understand the European mind—the American authorities' mind. We do." It's a nice thought. Until you realize that what many in Kashif's community "understand" about the American mind is that it insists on viewing Osama bin Laden as guilty, when in truth he's just another innocent victim. ■

Can courts try terrorists? Infinite Justice

By JASON ZENGERLE

ON JUNE 13, 1942, a German submarine deposited four Nazi agents on a beach near Amagansett, Long Island; four days later another German sub dropped four more agents on Ponte Verda Beach in Florida. The eight agents—who spoke English and brought with them explosives, incendiary devices, and nearly \$200,000—were to fan out across New York City, Chicago, and Cincinnati, blend into their surroundings, and then embark on a massive sabotage campaign against train stations, department stores, industrial facilities, and hydroelectric plants. But before the campaign got underway, one agent, George Dasch, got cold feet and turned himself in to the FBI. With Dasch's help, the FBI arrested the seven other would-be saboteurs.

With the German agents in custody, American law enforcement faced a dilemma much like the dilemma it faces today: Can the criminal justice system serve justice against terrorists? Because President Roosevelt wanted the men executed, and because he suspected that a regular criminal trial would not bring about that result, Roosevelt—in consultation with Attorney General Francis Biddle—signed an order creating a seven-member military commission to try the men. They were charged with violating the law of war, which prohibits crossing enemy lines in civilian dress with the intent to commit hostile acts. The trial began on July 8. One month later Dasch and another would-be saboteur who had cooperated with the FBI were sentenced to lengthy prison terms (although after the war, the two were paroled by Harry Truman); the six other Germans were executed.

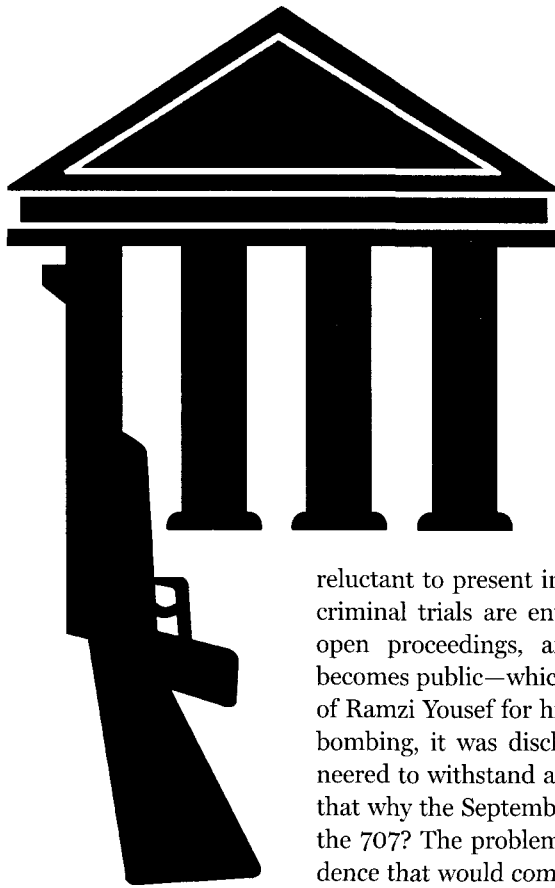
Since the World Trade Center fell, the FBI has detained

more than 1,100 people who may be connected to the September 11 attacks, or who may be plotting terrorism in the future. To do so, it has relied on laws covering immigration, perjury, and other areas—and now it can rely on the recently enacted U.S.A. Patriot Act, which gives the FBI increased leeway in gathering domestic intelligence. But rounding people up may be legally easy compared to putting terrorists—be they Al Qaeda foot soldiers or Osama bin Laden himself—on trial. And that's why some legal scholars—and even, apparently, some government officials—are arguing that it's time to consider a military tribunal once again.

The first argument for a military tribunal has to do with symbolism. As Spencer Crona and Neal Richardson argued in a 1996 article in the *Oklahoma City University Law Review*, "The strategy of treating terrorists as ordinary criminals, and placing them into the slow and indifferent mill of our criminal justice system, for acts that far transcend ordinary criminal acts, overlooks the essential difference in the nature of their crimes." Criminal trials in front of juries can drag on—one of the trials for the 1993 World Trade Center bombers lasted nearly nine months—and the entire proceeding can eventually end in mistrial if a single juror refuses to join in the verdict, as almost happened at the end of Manuel Noriega's seven-month-long trial in 1992. A military tribunal would be comparably swift and could be decided by a simple majority or super-majority of judges.

Another factor is security. Some worry that trials of terrorists or their accomplices, held in populated urban centers, would pose a tempting target for additional terrorist attacks. One advantage of a trial by military tribunal is that it doesn't have to be held in any particular jurisdiction or in any particular courtroom: The tribunals could be held on secure, relatively isolated military bases in the United States or even abroad.

BUT THE MOST compelling arguments in favor of military tribunals concern the trial process itself. The rules governing any military tribunal could be established by order of the president or Congress. As such, the tribunal could be given discretion to decide what constitutes legitimate evidence, and what level of secrecy must be maintained. As Ruth Wedgwood, a Yale law professor and former federal prosecutor, notes, there's plenty of valuable and weighty evidence that can't be admitted into a federal district court because of extremely restrictive hearsay laws. "Take the news reports that Osama



bin Laden told his mom, a few days before September 11, that he was going to have to be quiet for a while," says Wedgwood. "In a trial in a federal district court, you'd have to have his mother testify for that piece of evidence to be admissible. If she told a friend about the call, the friend's testimony would be considered hearsay." The rules of evidence for a military tribunal, by contrast, could be as loose as the tribunal's creator desired.

Even more important than the evidence prosecutors might be prohibited from using in a criminal trial is the evidence they would be

reluctant to present in such a forum. Because defendants in criminal trials are entitled under the Sixth Amendment to open proceedings, any information introduced in them becomes public—which can cause problems. In the 1997 trial of Ramzi Yousef for his role in the 1993 World Trade Center bombing, it was disclosed that the twin towers were engineered to withstand a direct hit from a Boeing 707 plane. Is that why the September 11 hijackers used planes bigger than the 707? The problem is even greater when it comes to evidence that would compromise future intelligence operations. "If the terrorists know what you know," says Wedgwood, "then they'll know how you found it, and they'll shut that channel off." In the end, prosecutors in terrorism cases might simply self-censor or decide not to bring a case at all. "We've had espionage cases that should have been brought," says Skip Brandon, a former deputy assistant director of intelligence at the FBI, "but we didn't because we couldn't make the case without introducing evidence that would compromise others." A military tribunal, conducted even in partial secret, would remedy that dilemma. While most of its proceedings would likely be open, the tribunal could go into closed session if and when it was presented with highly sensitive or classified evidence. And, of course, the evidence wouldn't be kept secret from defendants, so their right to due process would not be infringed.

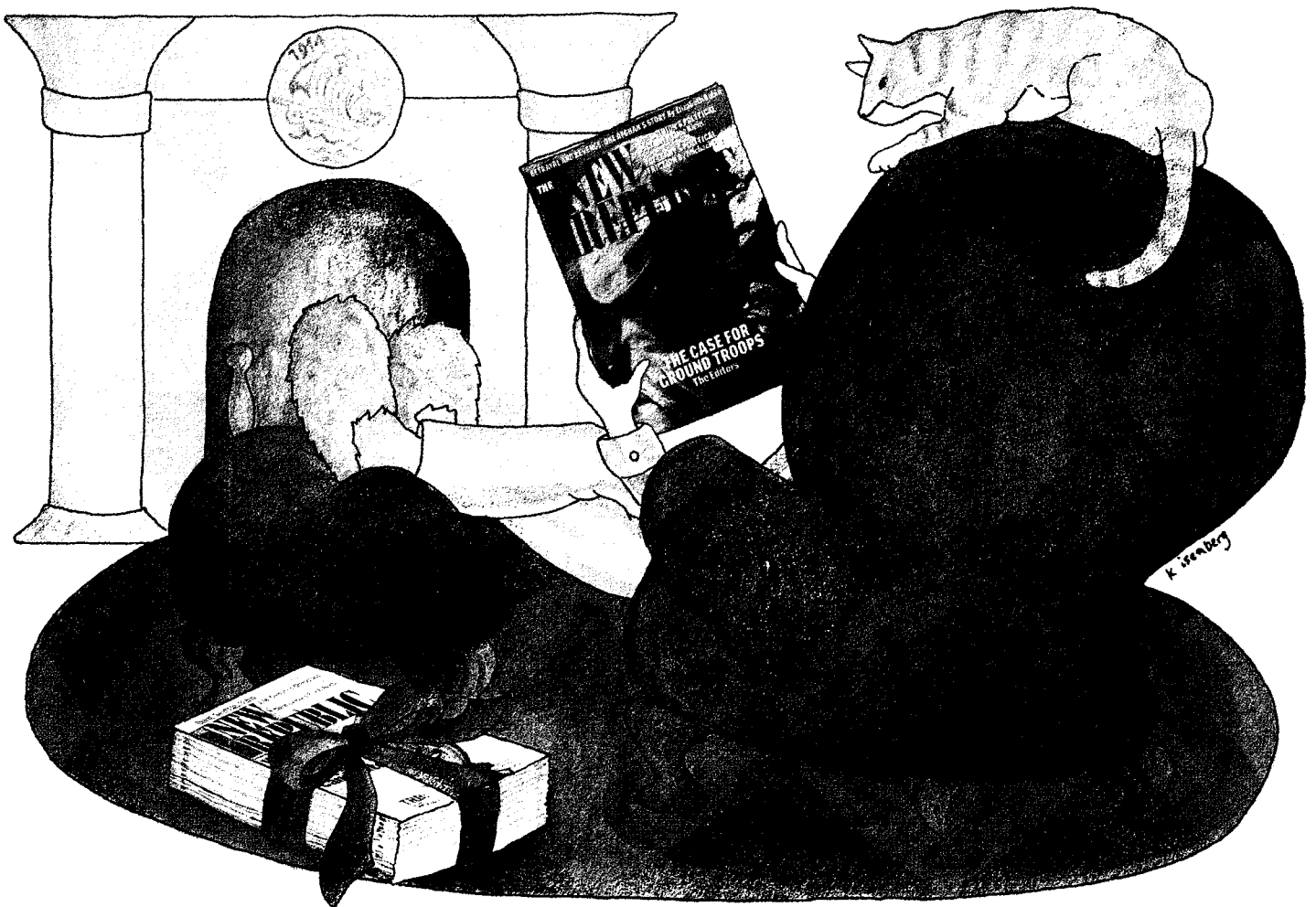
IT'S TRUE THAT even a partially secret trial would sacrifice some of the legitimacy that transparency lends to normal American judicial proceedings. It would also lose some of its public tutelary value—both for Americans who would learn how our criminal justice system works, and for foreigners who might learn that Al Qaeda really did blow up the World Trade Center.

But those trade-offs, though serious, may be necessary: Already, in the war's early stages, some have become painfully clear. Take the case of Zacarias Moussaoui, who was arrested in August for a visa violation and is currently being held in New York's Metropolitan Correctional Center as a material witness to the September 11 attacks. A French Moroccan immigrant, Moussaoui is thought by some to be the twentieth hijacker. In August, shortly before he was arrested, he asked instructors at a Minnesota flight school to teach him how to maneuver jumbo jets in the air, but didn't want to learn how

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to take off and land. That same month he received \$15,000 in money transfers from Germany, where Mohammed Atta and others supposedly planned the September 11 attacks. And Moussaoui reportedly once called the landlord of an apartment Atta rented in Hamburg.

Of greater importance to federal investigators, though, is reported intelligence information from French officials that Moussaoui is a bin Laden operative who has spent time at terrorist training camps in Afghanistan. The specifics supporting that information, according to some in the intelligence and law enforcement communities, are likely so sensitive that they cannot be revealed in an open courtroom. So, in the meantime, Moussaoui sits in his cell, refusing to cooperate with investigators. To bring penny-ante immigration charges against him—which could only result in his deportation—would be ludicrous. To hold him in perpetuity on material-witness grounds would be cruel. A partially secret trial is surely a far smaller infringement upon due process than keeping him in jail forever without a trial.

Indeed, the irony of a military tribunal is that the human rights alternative—given that the United States could never stomach letting likely terrorists out of jail—may be far worse. And knowing that we cannot effectively try terrorists brought back to America's shores might make the military more likely to simply kill them abroad. With some potential terrorists likely already sitting in America's jails, and no prospect for many of them to get out, the government clearly needs another option. Maybe it's the same option that Franklin Roosevelt chose almost 60 years ago. ■

Amman Dispatch Slide Rule

By STEPHEN GLAIN

EVEN BEFORE SEPTEMBER 11, the United States wasn't exactly finding the Arab world to be a font of good news. The governments supposedly allied with the United States—in particular, Egypt and Saudi Arabia—seemed weak in their support for the war on terrorism, not to mention just plain weak. Reports from both Cairo and Riyadh made it clear that corruption and repression were endemic, which turned the hopeless masses to jihad, which forced the regimes to distance themselves from Washington. After the World Trade Center fell, Hosni Mubarak and Prince Abdullah expressed regret, and then quickly began equivocating about America's response. Mubarak said the war should end soon; Abdullah refused to grant the United States permission to launch air strikes from its base outside Riyadh.

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The only bright spot was Jordan. In late September, King Abdullah II promised President Bush that the Hashemite kingdom would stand with the United States in the "fight against evil." And, perhaps even more importantly, it looked like the young, energetic, reformist king might be able to bring his people along. Since Abdullah's ascension to the throne in 1999, Western statesmen have made frequent pilgrimages to Amman to praise him as a vital bulwark for secularism and stability. And that enthusiasm has only grown since 9/11. In late September, Bush described Abdullah as a "strong friend of America" after signing a hastily passed free trade agreement with Jordan—making the Hashemite monarchy only the fourth country in the world to have such a deal with the United States.

Which makes it all the more depressing that in Jordan, too, fundamentalism is on the march—and for all the familiar reasons. The terrorist attacks, which have made Osama bin Laden a hero among even moderate Jordanians, merely exacerbated the popular shift toward fundamentalism that economic stagnation and government corruption had already catalyzed. "I always thought the monarchy was secure by default," says one Jordanian scholar. "But the reality of the Hashemites is the bankruptcy of the country."

TO SOME DEGREE, Jordan has the same problem as the rest of the Arab world: hordes of disenfranchised, unemployed, hopeless young men susceptible to poaching by extremist groups. Take Saeed Hotary, a 22-year-old electrician from Zarqa, who left home two years ago to look for work in the West Bank. Having failed to find employment, Hotary settled for divinity: On June 1, according to the Associated Press, he blew himself up in front of a Tel Aviv disco, killing 21 Israeli teenagers and injuring 90 others. Until then Hotary had no record of political activity.

Islamic political groups in Jordan say their membership has grown by more than 20 percent in the last two years. In Amman, Jordan University, once an elite academy for secular thought, is crowded with veiled female students. In the country's impoverished southern district of Maan, there is little new construction except for mosques, some with minarets made of nothing more than steel bars.

But, in some ways, Jordan's troubles are even worse. All over the Middle East, Arabs admire bin Laden's support for the Palestinian cause. But no other Arab country borders the West Bank, and no other Arab country boasts a Palestinian majority. So it's not surprising that in coffeehouses and mosques throughout the country, bin Laden is celebrated as an Arab hero, alongside the early Islamic caliphs and Egyptian leader Gamal Abdel Nasser. Even many Christian Jordanians sympathize with his objectives, if not his methods. "Bin Laden has the courage to say things other leaders won't," says Nida Zreikat, a 22-year-old Christian who works in a beauty salon in an upscale section of Amman. "He is the only one telling the Americans to leave the Arabs alone and stop [Israel] from killing Palestinians.... Why shouldn't I admire him?"

King Abdullah, by contrast, is widely associated with the country's debilitated economy and with America's support for Israel. A 39-year-old product of Western boarding

schools and universities, Abdullah assumed the throne after his father, King Hussein, passed away in February 1999. He inherited a kingdom whose per capita income had grown only 1.1 percent over the previous decade, but whose population had grown more than 4 percent.

Abdullah's answer to these economic woes has been to try to turn Jordan into a Singapore-style center for information technology. It's the kind of rhetoric that goes over extremely well in the American press. Unfortunately, it's not going over nearly as well in Jordan. The much-anticipated foreign investment has not come. Jordan's total debt, at just over \$8 billion, remains almost as high as its gross domestic product. The official unemployment rate is 14 percent, but private economists estimate it to be as high as 20 or 30 percent. Confidence in Jordan's banking system is so low that most companies refuse to do business on credit. Few businessmen and private economists believe the economy grew at all last year, let alone by the 3.9 percent rate the government claims. "I'd say the economy shrank by a full percent," says Labib Kamhawi, an opposition lawmaker and businessman. "Economic malaise is becoming a permanent condition." When Fawaz Hatim Zu'bi, Abdullah's communications minister and the point man in the high-tech effort, first took office one year ago, he discovered that 83 percent of his staff didn't have a high school degree. He would consider cutting the ministry's payroll by half, he says, "but then I'll have a revolution on my hands."

In the West, Abdullah is viewed as a good-government reformer. But at home many observers say high-level extravagance and corruption has grown worse. Eyebrows cocked

just over a year ago when Ole Holdings, a Dubai-based food-processing and auto distribution company, won a lucrative contract to supply the government with BMWs and Land Rovers. Ole Holdings is owned by the Shaheen family, which has close ties to the palace. "The Shaheens are the talk of the town," says Farouq Kilani, an attorney and proponent of judicial reform. "There is decay in the judicial system, and it's going to get worse."

As elsewhere in the Middle East, increased public frustration has led to increased government repression. In May hundreds of Jordanians took to the streets of Amman to protest, among other things, Israel's deadly use of force against the Palestinians. In a bitter irony, police in full riot gear beat back protesters with truncheons, tear gas, and attack dogs. "Even during martial law [in the Gulf war], things were never this bad," said Abdullateef Arabiyat, secretary general of Jordan's Islamic Action Front Party. "They had dogs and hit women.... This is the most violent response to a peaceful demonstration that I remember."

Security officials also arrested journalists and confiscated their videocassettes. A man and his son were arrested for allowing a cameraman to film from the rooftop of their home. Indeed, government detainment and interrogation of the independent media has become widespread enough to earn a euphemism: being "asked in for coffee," an invitation that has been extended to the Amman-based correspondents for Western news agencies—who are all Jordanian citizens—in the past year. Maybe now they'll start informing their Western audiences that things in Jordan aren't quite as hopeful as they've been led to believe. ■

Can Charles Taylor's apologists explain his ties to Al Qaeda?

Double Take

By RYAN LIZZA

ON SEPTEMBER 19, 1998, the U.S. Embassy in Monrovia, Liberia, was attacked by the forces of Liberian dictator Charles Taylor. According to an internal State Department report on the incident obtained by THE NEW REPUBLIC, Taylor's police, pursuing a local warlord seeking protection at the embassy gates, laid siege to the building using AK-47s and at least one rocket-propelled grenade. In the ensuing firefight, one American embassy official was shot in the lower back. Although the warlord and 23 of his men reached safety in the embassy compound, Taylor, who had ordered the attack, apparently thought they were dead and issued a statement of regret over the incident. When a Liberian government official learned they were alive and about to be evacuated by air, however, he informed the United States that Taylor would order his forces to shoot down the helicopters. Taylor eventually relented, and the men were flown

to a third country.

Following the attack, some on the Hill called for closing the embassy. But the Clinton administration didn't let the incident interfere with its efforts to coddle Taylor, the man responsible for more than a decade of bloody warfare in Liberia and its neighbors, Sierra Leone and Guinea. Here's one choice excerpt from the State Department's official response to the attack: "The United States would like to sincerely thank the Government of Liberia, and especially President Charles Taylor, for the enormous cooperation and assistance we received in amicably resolving the situation at the US embassy in Monrovia.... [W]e look forward to continuing our close cooperation with the Government."

Why does this matter today? Because we now know, thanks to a detailed report last week by Douglas Farah in *The Washington Post*, that something else of great importance happened in Liberia in September 1998: Osama bin Laden's

Al Qaeda network opened shop there. According to Farah, one of bin Laden's top aides, Abdullah Ahmed Abdullah, arrived in Monrovia and met with one of Taylor's longtime lieutenants, Ibrahim Bah. Together they flew in a government helicopter to meet with a senior commander of the Revolutionary United Front (RUF), the vicious rebel army controlled by Taylor that has controlled the diamond mines of Sierra Leone for the last four years. A few weeks later two Al Qaeda terrorists wanted for the American Embassy bombings in Kenya and Tanzania arrived with \$100,000 in cash to buy the first pouch of diamonds from the RUF. Since then, Farah reports, bin Laden has raised millions—perhaps tens of millions—of dollars buying cut-rate RUF diamonds and selling them in Europe. A European investigator told Farah that the Liberian diamond connection has become so important to bin Laden, “that to cut off al Qaeda funds and laundering activities you have to cut off the diamond pipeline.”

This is all very bad news for Taylor's apologists and business associates in the United States—a motley crew that includes Jesse Jackson, Pat Robertson, New Jersey Representative Donald Payne, and former Massachusetts Democratic Party Chairman Lester Hyman. Until now, they could argue that Taylor was just a garden-variety strongman, no different than the dozens of others who dot the political landscape of the Third World. But now we know that the Liberian dictator is not just a menace to West Africa; he is a menace to the United States as well.

THAT TAYLOR HAS ties to Al Qaeda shouldn't be terribly surprising. Since becoming president in 1997, Taylor has run Liberia like a giant criminal enterprise, attracting South African mercenaries, Latin American drug lords, and Ukrainian mobsters to Monrovia. Middle Eastern terrorists were bound to find their way there eventually.

Indeed, even as the Clinton administration was treating Taylor as a statesman in the 1990s, some observers warned that Liberia was becoming a haven for transnational criminal syndicates. “When I met with mid-level officials at the [Defense Intelligence Agency], they told me they were sending one alarming report after another up the ladder at the Department of Defense, but no one was listening,” says Joseph Opala, a professor at James Madison University and an expert on the region. “They were warning of RUF/Taylor contacts with international crime groups in France and the Ukraine. They were concerned about the RUF helping international drug dealers launder their cash earnings via diamonds. They were also concerned that [Sierra Leone] was being used as a transshipment point for drugs from South America and Asia into the U.S. and Western Europe. They urged me to write something for the newspapers because no one in the government would pay attention to them.”

One reason the Clinton administration didn't pay attention was that here in the United States, a circle of influential Americans was busy either painting Taylor as a fledgling democrat or pursuing their own sketchy economic opportunities in Liberia—or both. Jesse Jackson, Clinton's envoy to Africa, befriended Taylor in early 1998 on a visit to Liberia (see “Where Angels Fear to Tread,” July 24, 2000). When he

returned to the United States, he held a conference in Chicago to help burnish the warlord's image. He also encouraged Americans to invest in the war-torn country. (According to Liberian businessmen, at least one of Jackson's friends eventually used Jackson's connection to Taylor to get into the telecommunications business in Monrovia.) Jackson compared the RUF to Nelson Mandela's African National Congress, and just weeks after bin Laden's terrorists made their first RUF diamond deal, he was in Sierra Leone pleading with civil society leaders to “reach out” to the notorious rebel group. Most importantly—and ruinously for the region—Jackson helped pressure the government of Sierra Leone to appease Taylor, and to sign a settlement with the RUF, the Lomé accord, that gave the rebels amnesty and invited them into the government. The agreement soon fell apart, when the RUF took 500 UN peacekeepers hostage.

In Congress, Democrat Donald Payne of New Jersey, another American official cultivated by Taylor, used his perch on the House Africa Subcommittee to fend off legislative proposals that got tough on Taylor. As late as 1999, when Taylor's links to the RUF had been amply documented even by the Clinton State Department, Payne opposed language in a House resolution accusing Taylor of supporting the rebels. One Taylor acolyte who had Payne's ear was Omrie Golley, a RUF negotiator and associate of Bah, the Taylor underling who brought Al Qaeda diamond buyers to Liberia. On a visit to the United States in February 1999, Golley met with Payne and Clinton administration officials and was instrumental in gaining American support for the Lomé accord.

DEMOCRATS AREN'T THE only ones who have reached out to Taylor, however. Pat Robertson, the conservative televangelist and onetime GOP presidential hopeful, actually went into business with the Liberian dictator. In 1999 a Robertson company called Freedom Gold inked a deal with Taylor to mine in a 900-square-kilometer section of southeastern Liberia. The Liberian government even issued a press release in which Robertson was quoted as saying, “I pray that this investment may become a wonderful blessing to the people of Liberia.”

In truth, investments in Liberia generally become blessings only to Taylor. To an extraordinary extent, Taylor runs Liberia as a personal fiefdom, deciding unilaterally what to do with the revenues from state ventures. Indeed, his personal control over the country's resources was codified last year in a new law that states, “The President of the Republic of Liberia is hereby granted the sole power to execute, negotiate and conclude all commercial contracts or agreements with any foreign or domestic investor for the exploitation of the strategic commodities of the Republic of Liberia.”

In other words, Robertson is in business (Taylor owns 10 percent of Freedom Gold) with a man who, through his underlings in the RUF, is in business with Al Qaeda. And it is entirely possible that money washes from one enterprise into the other. For as much as Robertson might like to pretend that any profits Taylor accrues from the Freedom Gold partnership are being used to buy Bibles for Liberian children, the truth is that Taylor's top fiscal priority is arming the RUF

and maintaining control over Sierra Leone's diamonds—the same diamonds whose sale funds Al Qaeda.

BUT OF ALL the American VIPs who have supported Taylor over the years, perhaps none is as intimately connected to the dictator as Lester Hyman, a discreet Washington lawyer renowned in Democratic Party circles. A self-described “protégé of John F. Kennedy” who once chaired the Massachusetts Democratic Party, Hyman has been an adviser to eight presidential candidates and helped Clinton vet nominees for his Cabinet and the Supreme Court. Hillary Clinton personally asked her husband to appoint Hyman to the commission that oversaw the design of the FDR memorial. And, on and off for the last decade, Hyman has been Charles Taylor's representative in Washington.

The association started in the early '90s, after Taylor invaded Liberia with a small force and quickly took control of much of the countryside. From a command post in the town of Gbarnga, Taylor set up his provisional National Patriotic Reconstruction Assembly Government (NPRAG). Hyman was hired to represent NPRAG in the United States, and apparently became a great admirer of the warlord. In August 1991 Hyman spent a week in Taylor-controlled territory. And while human rights groups were documenting Taylor's mounting abuses, Hyman wrote a Panglossian report on Taylor and NPRAG intended for American officials. Taylor “considers himself a believer in democracy” and “seems very family-oriented,” noted Hyman, adding, “His family, including his little daughter Sharon, were with him often.” Of Taylor's notorious child soldiers—some not yet teenagers—Hyman wrote, “they are extraordinarily well-disciplined. Their bearing is erect—they conduct themselves as soldiers (saluting, coming to attention, responding to orders, etc.).” In a personal letter to Jimmy Carter the following year, Hyman argued that Taylor “has no extraterritorial ambitions whatsoever; his sole goal is to restore peace, democracy and prosperity to Liberia.” At the time, Taylor was sponsoring the nascent RUF rebellion in Sierra Leone.

In early 1993 Hyman stopped representing Taylor (apparently because of financial differences), but when Taylor took power in 1997, Hyman was one of the first Americans he called. Taylor had just presided over a war of incredible barbarity that left 85 percent of the Liberian population dead, injured, or displaced. Yet, in August of that year, Hyman wrote to him: “With your high intelligence, charismatic leadership qualities and strength of purpose, I know that you are capable of achieving great deeds on behalf of your country.” In Washington, Hyman worked tirelessly on Taylor's behalf. He had dozens of conversations with senior Clinton officials and members of Congress with influence over Africa policy. He arranged a meeting between Hillary Clinton and Charles Taylor's wife, Jewel. In a major coup, the former Massachusetts politico helped convince a Plymouth, Massachusetts, district attorney to drop outstanding charges against Taylor stemming from his escape from jail there in 1985. And, of course, Hyman urged the administration to engage Taylor, which meant downplaying his government's human rights abuses, and overlooking Liberia's transformation into a

gangster state.

These efforts eventually paid off—for Hyman as well as for Taylor. For many years, one of Liberia's most consistent and lucrative revenue streams had been a U.S.-based ship registry company called International Registries Inc. (IRI). This flag of convenience register allows ships from anywhere in the world to sail under the Liberian flag irrespective of where they are based. The register collects taxes and other dues from the shipholders, keeps a profit and sends the rest back to the Liberian government. During the civil war, the company provided some 90 percent of Liberia's total state budget—but the money went to the internationally recognized government in Monrovia, not to Taylor's NPRAG. And so one of Hyman's first missions after Taylor became president was to wrestle control of the ship registry away from the company that had refused to recognize Taylor all those years. In 1999, after a mess of litigation, IRI finally relinquished control of the registry to a new U.S. company, Liberian International Ship and Corporate Registry, based in Virginia. The chairman of LISCR? Lester Hyman.

WHICH BRINGS US back to the RUF and Al Qaeda. For 50 years, IRI operated its ship registry at arm's-length from the Liberian government. But it appears that under Hyman, the registry has worked hand in glove with Taylor. A recent lawsuit against LISCR filed by IRI put it this way: LISCR “is a major source of Liberia's income for [financial and military aid to the RUF] and a handy honey pot for lining the pockets of Liberia's current president, Charles Taylor.” And two weeks ago, a UN report confirmed these charges. It showed that in 2000, almost \$1 million was paid directly by LISCR to entities involved in smuggling weapons to Liberia (including 1,000 submachine guns from Uganda) in contravention of UN sanctions. The United Nations has also documented the registry's role in illicit diamond transactions. The recent UN report concludes that the Liberian Bureau of Maritime Affairs—the government entity that oversees LISCR—is “little more than a cash extraction operation and cover from which to fund and organize opaque off-budget expenditures including for sanctions-busting.” In other words, LISCR funds the Liberian maritime bureau, which in turn funds illicit weapons purchases for Charles Taylor and the RUF. (According to the United Nations, Hyman stepped down as chairman of LISCR earlier this year, and it is unclear if he is still a shareholder in the company. A Hyman spokeswoman told *TNR* that he was recuperating from hip replacement surgery and unavailable for comment.)

September 11, and Farah's revelations about the RUF's links to Al Qaeda, put all this in a rather different light. A financial relationship with Charles Taylor no longer just supports a brutal African army terrorizing far away people; it tacitly supports a terrorist organization dedicated to the destruction of the United States. Last week the cruise line Royal Caribbean appeared to concede as much when it announced it would no longer use the Liberian ship registry for its large passenger ships. What will it take before Taylor's American partners and apologists do the same? ■

Gulbahar Dispatch

Run Out

By ELIZABETH RUBIN

THE SMALL, WHITE twin-engine plane veered sharply, looping across the sky, its wing dropping as it tilted away from the jagged mountainside at the gates of the Panjshir Valley. Across miles of open plains and desert, people on their farms, bikes, donkeys, stoops, and roofs, soldiers on their tanks, journalists wondering if they'd ever make it out of the valley now that the high mountain passes are snowbound, stopped and stared. It was a mysterious spectacle: No planes have come this way in years. The little plane touched down at the rough-hewn airstrip recently built by the Northern Alliance on the outskirts of the town of Gulbahar. Journalists who'd gathered not far away, near the white-walled ruins of the dead Ahmed Shah Massoud's old military headquarters in Jabal Saraj, murmured of CIA agents on board. They were here to witness a massive Northern Alliance military exercise with dozens of armored vehicles, artillery, and new professional attack forces. Seeing the plane, one journalist sped to Gulbahar in time to glimpse the white men awkwardly disembark in their fishermen's vests, carrying a mysterious cardboard box. A group of security guards with Kalashnikovs ferried the journalist away, but not before he managed to jot down the license number on the twin-engine otter made in Canada. A resourceful cameraman plugged the number into the FAA's website and discovered that it was, indeed, a spook plane. The registration number was issued a long time ago to a private doctor in Maryland for an acrobatics plane, and it has either expired or been revoked by now. Which means the Americans were essentially flying a vehicle with stolen license plates, an offense only the CIA can get away with.

An atmosphere of suspension hangs over the Panjshir Valley these days. The flies are dropping dead, piling up on our windowsills from the sudden cold. The dust is settling with the rains, and the mountains are turning rich colors of red, russet, brown, and orange. Every day brings rumors of an imminent offensive to take Kabul. Commanders say they're prepared but waiting for the word from their leaders. Their leaders say they're prepared but circumstances aren't right. They complain that until recently the American bombing was inefficient and ineffective and that what they most need they aren't getting—ammunition and fuel. "This delay is bad for the Northern Alliance, the Americans, and the British," said Hadji Qadir, one of the Northern Alliance bigwigs based in Gulbahar. He's a refined Pashtun leader who used to govern Jalalabad and whose brother, Abdul Haq, was executed two

weeks ago by the Taliban during a mission to persuade other Pashtun leaders to abandon the Taliban. "The Taliban and their people work night and day while we wait."

IN FACT, THE only Afghans who think the war is making any headway at all are those who have been spending their time not with the Northern Alliance, but with the Taliban. Last week a Talib left Kabul and crossed the front lines to the Northern Alliance side. For business, he said, though he was vague about what kind. Oil, sugar, flour, is all he'd say. These days, fabrics, fruit juice, shampoo, pistachios, and batteries come into Kabul from Pakistan and are then smuggled out, across the battle lines, by men like this Talib.

I met him, oddly enough, in the home of his family, all of whom are Taliban enemies and with the Northern Alliance. This is not unusual. The Talib, who identified himself only as "the engineer," is a Talib of convenience. He started out a security agent for the Communist government under the Russians; when the mujahedin knocked out the Communists, he worked for the mujahedin; when the Taliban knocked out the mujahedin, he worked for the Taliban. In Kabul he has a satellite dish, a video player, and a cassette and CD player, which could easily land him in prison. But his neighbors won't report him since he works for the Taliban. Besides, he invites the others to watch movies and the BBC, and listen to music, at his home. During our conversation his wife appeared wearing a leather bomber jacket, lipstick, and mascara; she said there's not a woman in Kabul who isn't dying for the Taliban to fall.

The engineer told me that the Taliban's grip on daily life in the capital is weakening. The Taliban Ministries have shut down, he said, including the Ministry of Religion, which controls the Ministry for the Promotion of Virtue and the Prevention of Vice. Men are cropping their beards, an offense punishable by beating or prison just seven weeks ago. Even the Taliban's trademark wide turbans are being tossed in exchange for more subtle, white skullcaps. And though Taliban agents are everywhere, people are getting braver, bad-mouthing the regime in the bazaars and the streets. "The Taliban are so afraid of people in the city now that they won't go anywhere without their guns," said another businessman who'd just come from the capital. "There's not enough of them in the city and they know that the people hate them." Another young man, who runs a fruit shop in Kabul, left the city with his family because he feared the Taliban would haul him off to the front line like they've done to so many of his peers. "You cannot imagine how tired the people in Kabul are of the

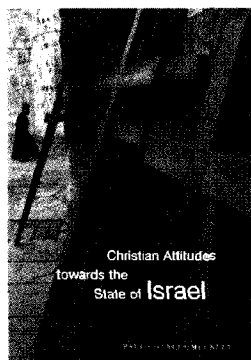
continued on page 28

ELIZABETH RUBIN is covering the war in Afghanistan for THE NEW REPUBLIC.

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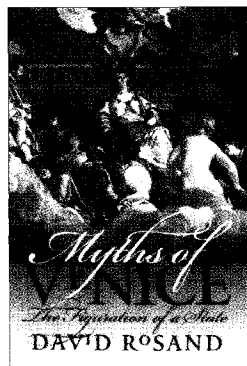


CHRISTIAN ATTITUDES TOWARDS THE STATE OF ISRAEL

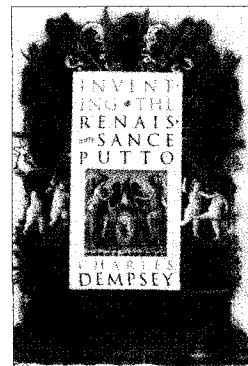
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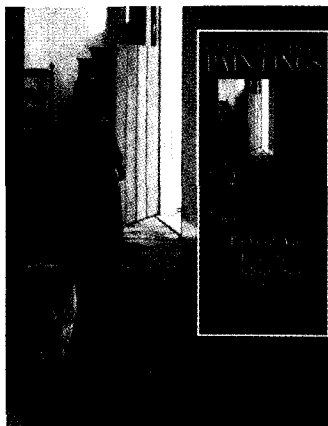
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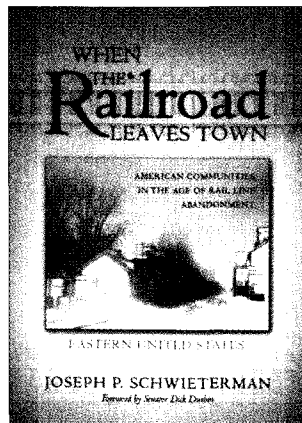
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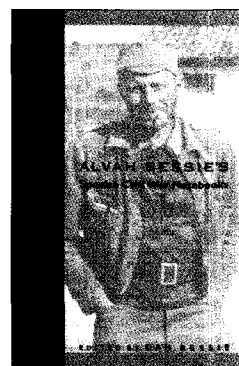
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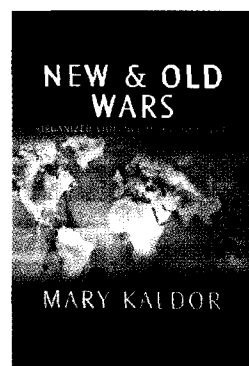
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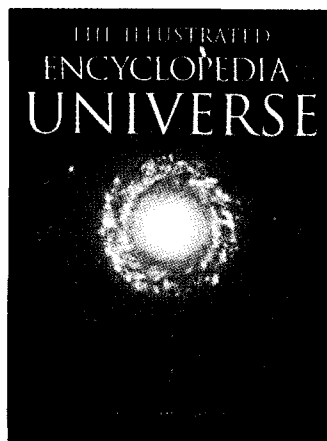
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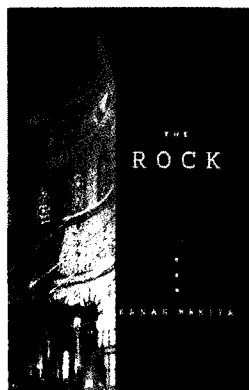


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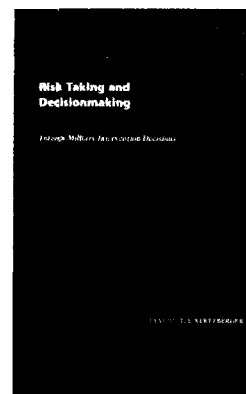
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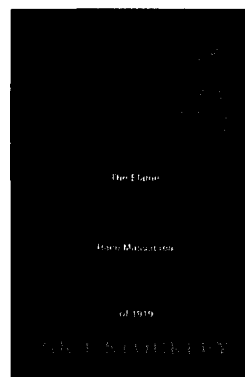


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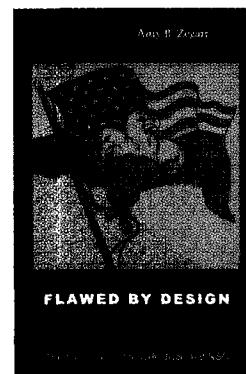
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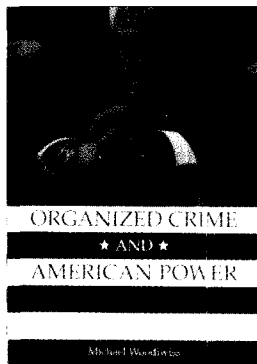
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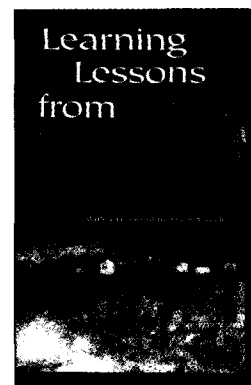
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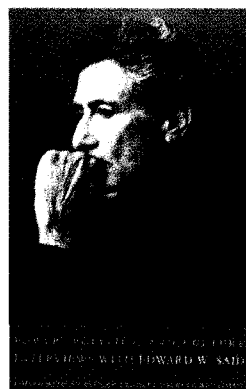


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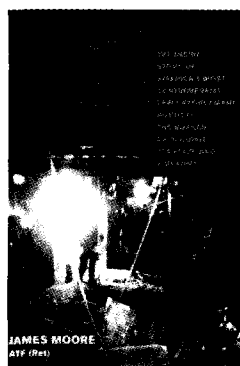
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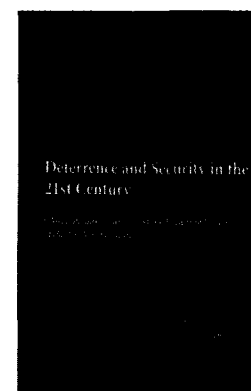
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Taliban," he said. "They'd rather die than go on this way, and so of course they want the Americans to bomb."

THAT BOMBING, HOWEVER, will not rescue everyone. The years of war, and of allegiance and betrayal by convenience, have gone on too long for that. I met a man who knows this. He may lose no matter who wins. He's in such desperate straits that when I met him, he asked me earnestly, "And if I'm not a case for the UN or the European Council, I should kill myself, don't you think?" People often ask why, if Afghans are so miserable under the Taliban, these famously heroic people haven't risen up from within. Saber Ali's story helps explain why.

I first heard about Saber Ali in the form of a letter he'd written and had translated. His story was so incredible that I finally persuaded his friend to set up a clandestine meeting. I waited for him at the home of someone he trusted, in a sunny room with plants and white curtains, looking out over the windy plains and the snow-covered Hindu Kush in the distance. Saber Ali zigzagged through the village, climbing over walls and through gardens, his head and face completely wrapped in folds of green-and-white checkered Afghan cloth. Out of the folds appeared a 28-year-old, lanky, handsome man with tousled brown curls, enormous brown eyes, and eyelids heavy with anxiety and insomnia. His tan skin was pale and almost sickly from the lack of sun: For years he has either been in hiding or covered in his makeshift turban.

Saber Ali joined the youth wing of Ahmed Shah Massoud's Islamic political movement when he was about 15. Once he arrived at university, where he studied engineering, he and seven other close friends decided to commit seriously to Massoud's government, the Islamic State of Afghanistan. This was around the year 1375, he said. (They don't, I realized just then, use the Gregorian calendar here.) Several months later, in September 1996, the Taliban swept into Kabul. Massoud retreated north with his men, armor, and artillery. And Saber Ali went to his family's village in Bagram, a district north of Kabul that has passed back and forth between the Taliban and the Northern Alliance.

"What to do then? We had no idea. So we went to Massoud and he told us to go back to the university, revive the movement, and we'd be fully protected," Saber Ali said. For the next three years he and his seven comrades—all of whom were studying to be doctors or engineers—cultivated new members and began preparing for a United Front coup to overthrow the Taliban. About two years ago a salacious incident unexpectedly gave them their excuse to revolt. The dean of the dentistry faculty was discovered sodomizing a student (a boy; women are banned from schools). Saber Ali, his closest partner Sarajulhaq, a medical student, along with several others, grabbed the dean, wrapped his turban around his neck, and dragged him through the streets with close to 200 students marching behind. "We wanted to show that this is what the Talib are like—a dean of the university, who prohibits these activities"—homosexuality—"practices it himself. It was a very good opportunity for us to show the real face of the Taliban and start our demonstrations."

At the same time, Massoud's forces were advancing to the

outskirts of Kabul. "Unfortunately we only made it five kilometers to the presidency before the Taliban security forces drove up in their *bipurs*," he said, and the three other university students sitting with us in the room burst into laughter. (A *bipur* is a Taliban mispronunciation of "four-by-four," as in a four-wheel-drive pickup truck. Most of the Taliban are Pashtuns, who pronounce F's like P's. This gaffe is a source of great hilarity for Persian-speaking Afghans.) The Taliban forces rounded up some 150 students from the demonstration. "They put us all in jail and beat us with cables—double-thick electrical cables with a thick metal end. And they kept shouting, 'Who are you working for?'" Saber Ali said, wrinkling his brow while the others in the room laughed nervously, murmuring the name of Mullah Kaibali—or Mullah Cable—the nickname of an infamous mullah who executes prisoners with one blow of an electric cable. It didn't take long for the other students to cough up the names of the eight leaders in their midst, two of whom were Saber Ali and Sarajulhaq.

After months of protests by their families, and by the university, Taliban officials met with Saber Ali and the other seven, beat them mercilessly, and then offered them a conditional release. They could go, but only after they confessed to the deans, teachers, students, and some family members that the dean was innocent, and that they had simply been making trouble. "Then we had to kneel down and kiss the hands of the Talib in front of everyone. There was simply no other way out," said Saber Ali, and everyone in the room winced.

One of the eight students suggested they escape from Kabul. They knew the Taliban were closing in on them. "But we wanted to continue our mission," Saber Ali said, "and we sent a message asking Massoud his advice. He said go on, and be careful." So they did.

And within a month they were back in jail. "This time the torturing was serious. They wanted us to confess that we were working for Massoud, so they could tape-record it and then hang us." That's when Mullah Cable appeared. "Day and night they tortured us until Mullah Kaibali came and killed one of our friends, an engineering student, right in front of us, with one cable blow. It was night. We were terrified. We saw ourselves passing into the next world. The other four told them that Sarajulhaq and I were the leaders, and we knew that if we didn't speak we'd be killed right there," Saber Ali said. "We were obligated to tell."

IT WAS AN awkward moment. One of the men in the room with us, though an affable, trustworthy friend of Saber Ali's, was also a commander of the Northern Alliance and a popular leader in Massoud's party. He could be killed for sheltering a traitor like Saber Ali. He laughed and rocked his head from side to side in sympathy with his friend, both for the nightmare of that moment in jail and the fatal consequences of his confession. Just then, his son brought in two old Soviet Makarov pistols with their old leather holsters and bullet belts. One was a prize the commander had pried away from a Russian soldier whom he killed during his days as a young mujahedin. The commander began taking aim at each of us, balancing the pistol on his raised forearm. When I saw him give a silent nod to Saber Ali, I realized he was attempting a comic diversion to get rid

of two young men who'd wandered into the room. Finally the commander just ordered them out.

"We gave up two important names in our network. Haroun and Feraidoun," Saber Ali said quietly. "They were taking messages back and forth for Massoud and knew the entire network," he said. Haroun and Feraidoun were not students. They were the link between all the Massoud cells, and their cover was a Property Dealer Shop in Kabul. Pretending to be real estate brokers was perfect for meeting people all over the city. "Every day they had to pass messages on to each network leader. They also had another dangerous job—detonating bombs," Saber Ali said. "When the Taliban captured them, they brought them to the jail and tortured them for seven or eight days. We heard them crying out names. They had no choice. After that they were transferred to the prison in Kandahar." Saber Ali hasn't heard of Haroun and Feraidoun since.

For a brief moment it seemed Saber Ali and the other students would get a reprieve. They paid a hefty bribe to a key Talib in the foreign ministry, who drove them to the Khyber Pass border-crossing with Pakistan. But in Pakistan the men were hunted by Taliban agents. The Talib they'd bribed sent word that they must go into hiding. "We dispersed and each of us went to distant relatives, but they wouldn't even let us in the door!" Saber Ali recalled. Fortunately it was Ramadan, when people drift in and out of the mosque all day and night, and food is offered in the evenings. They took shelter in various mosques until Id-al-Fitr, the feast day that marks Ramadan's end, when they decided to celebrate with their relatives. "But after tea they said we had to leave!" At this, the boys in the room held their stomachs in paroxysms of laughter.

PERHAPS IT'S 20 years of civil war, perhaps it's the lack of control over their fates, perhaps it's the absurd, lunar landscapes of desert and rock. Whatever it is, Afghans laugh more than any people I've ever met. They laugh if someone trips or knocks over tea, if a car backfires or a gun misfires or rockets whistle over their heads. The other day my driver, Tahir, decided spontaneously to bring me and an Austrian journalist to the workshop of Jamshid, an important man in Jabal Saraj. He repairs Kalashnikovs, pistols, machine guns, rocket launchers, and tank guns in an old U.S. shipping container—they make for great bazaar shops. Jamshid's 15-year-old assistant was hammering out a new handle for an old Kalashnikov. He was telling us that he'd worked there since he was eleven, and that he'd just taken his physics exam that morning, when suddenly the container shook and everyone cupped their ears. A machine gun the size of a pogo stick had fired off a round.

The little smith, Jamshid, several other boys in the container, and everyone else broke into a few minutes of raucous laughter, during which Jamshid pulled up his tunic to show where just such a bullet had lodged itself in his stomach a few years back. Another man sitting on a couch showed us his collarbone wound and his mashed ankle. And when I asked whether the round could have killed someone in the mud houses on the hillside across the road (where the machine gun was haphazardly aimed), the laughter only increased. Jamshid threw up his hands. "It's made for killing people. We have to test if they work," he said. "Besides, the women up

there love us because of our firing. When the Taliban occupied this area, the women complained that our guns were silent. They accused us of being afraid, so we started business again."

Outside, it was a miserable, rainy day, and streams of mud clogged the road as we climbed back into the truck. Tahir was smiling. Why? I'd spent the previous day in the emergency hospital under an IV drip for dehydration and fever and some microbial disease. For days I'd been moving in sick, slow motion, so Tahir had decided I needed some entertainment. "I wanted to take you somewhere that would make you laugh." The gun repair container!

SABER ALI GOT UP, covered a photograph of Massoud that hung in the direction of Mecca, and bent down to the ground for dusk prayers, insisting that the others join him. Then he went on with his tale. The students had pleaded with their relatives in Peshawar to shelter them until the UN High Commission for Refugees reviewed their asylum applications. Day after day Saber Ali and the other students kept pestering the Peshawar UNHCR office until finally they were threatened by an angry UN officer, and four of the six decided to flee back to Afghanistan. There they met with President Burhanuddin Rabbani, who passed them off to Massoud, who arranged for them to finish their studies at the university in Dushanbe, Tajikistan. It was the end of this summer, and they'd just finished their admissions paperwork in Dushanbe, when they got word that the families of Haroun and Feraidoun had killed one of their fathers in retaliation for their confessions. They also learned that the cousins of Haroun and Feraidoun were stalking them in Dushanbe. They took the barge back across the river into Afghanistan, but by then the world had changed. Their mentor and sponsor Massoud was dead, and Osama bin Laden had attacked the United States.

"From one side we saw our enemies in Dushanbe, and then from the other we lost the only support we had. We were completely in danger with nobody to support us. The four of us dispersed, and our families have gone into hiding, too. Now if the high commanders find us, they'll kill us. First because we revealed the network to the Taliban. And second they will assume we're working now for the Taliban—otherwise how could anyone escape from the Taliban jails?"

An American plane flew overhead, and the rumble of a distant explosion seemed to set Saber Ali's mind racing. He flicked some dried chickpeas around on the floor and, with his chin on his knee, said, "If the United Front [the local name for the Northern Alliance] captures Kabul we'll be in the same danger. Only the system of government will change, not the idea of these people, and they'll find another excuse to condemn us." He looked up from under his heavy eyelids and said, in earnest, "The only way out I can see is for us to kill ourselves." I turned to the Northern Alliance commander fingering his yellow prayer beads. He shook his head. "Saber Ali's right. They'll kill him."

A cold northern wind was blowing. The windows were banging. The last amber rays were fading on the snow peaks outside, and Saber Ali suddenly sprang up. "Can I go?" he asked. He wrapped his Afghan cloth around his head and face, and his lanky figure disappeared over the garden walls. ■

Stanley Kauffmann on Films Odd Leading Men

A CULTURAL HISTORIAN in search of a fresh vantage point might do worse than to consider the hero. To follow protagonists through Western drama and film would reveal a great deal about the societies for which they were drawn. Until the early nineteenth century, many kinds of heroes thronged the stage, but usually they had some stature and some goals, they met some obstacles, and they won or lost. In 1837 Georg Büchner's *Woyzeck* arrived—although the world did not yet know it. Büchner's play was not discovered until later in that century and was not performed until the next one, but the fact that Büchner created it when he did tells us much about the wave of social revision that was sweeping Europe. *Woyzeck* is the first victim-as-hero. The status of compassion had altered. Characters like *Woyzeck* recur (sometimes as comic—Jaroslav Hašek's *Schweik*, for instance—but they are not to be confused with the twentieth century's anti-hero. Camus's *Meursault* has the capacity to make choices: he just chooses not to choose. *Woyzeck* doesn't have a comparable chance.

For their latest venture, the Coen brothers, Ethan and Joel, have nibbled into this territory. They have contrived a hybrid, a protagonist who could make choices but who, for the most part, casts himself as a victim. The Coen hero—if only there were multiple quotation marks to put around the word—is the title character of *The Man Who Wasn't There* (USA), but we never learn why he wasn't. He moves through the story like an unwrapped mummy, and we never glimpse the reasons for his glum taciturnity. Nor do we understand—though he confides to us on the soundtrack—how, in his quasi-anesthetized state, he became a barber, married, and was accepted in his job by his partner-boss. He smokes incessantly, but this is not meant as a character trait: it merely signifies that the year is around 1950, which is also confirmed by the black-and-white photography and, of course, the automobiles. He performs some acts in the film, two of them illicit, but he is such a puppet figure—a given,

meant to be accepted as presented—that these acts are incomprehensible in him.

In a small California town, Ed Crane smokes and cuts hair (often simultaneously), and lives with his wife Doris, who works in a department store. She, as Ed possibly knows, is boffing her boss, who has promised her a promotion. One day a flashy customer of Ed's tells him about a great investment opportunity for someone with \$10,000. For no clear reason, the utterly conventional Ed concocts a crooked scheme to get the money, which leads, of course, to trouble. In self-defense he commits a murder. Doris is suspected, arrested, and suffers for it. Ed lets her suffer. Later he is arrested for a murder he did not commit, and thus at the end a very diluted Büchner is joined by James M. Cain as the postman rings twice.

In this long, sinuous story, only one aspect of Ed arouses a flicker of interest. He is fond of a friend's teenage daughter, an affection that is purely avuncular. But his belief in her piano-playing talent only adds to a conviction that has grown in us ever since he fell for the investment scheme. Ed is not just taciturnly pathetic, he is stupid.

Thus the Coen brothers arouse no dram of sympathy, either for a small man whom a ruthless society brutalizes or for a frustrated underling who yearns to be a topling. We simply wonder why the brothers were interested in making a film about this dumb, blundering, unappealing nerd. Billy Bob Thornton, that surprisingly gifted actor who came to light in *Sling Blade*, does all that could be done for Ed. He gives Ed's silences some hints of echoes within; but Ed's actions then negate any suggestion of hidden depths. Frances McDormand has an easy time with Doris, a role that almost seems to have been scissored out of a hundred previous tales about bored small-town wives. Tony Shalhoub makes more than the most of a conceited criminal defense lawyer. James Gandolfini—*hic et ubique*—plays the department-store owner with a smattering of competence.

Both Coens wrote the script; Joel directed, Ethan produced. How pleasant it would be to sing their fraternal

activities as an enrichment of film, but so far they are only an attenuated anomaly. The Coens are, as usual, more interested in themselves than in the films they make. True, they now use less-obtrusive trickery. (Can one forget the wallpaper noisily peeling off the wall in *Barton Fink*?) Still, touch after touch is there to display cleverness, not to help the film. For example, a fight in an entresol department-store office is viewed past a life-size mannequin on the ground floor. Or: as the lawyer considers Doris's case, his face is crossed with shadows like prison bars. Shots like these have no integral reason for being, nor has the film.

Another film about a victim, but what a difference. *Otomo* (ArtMattan) is a German film about a black man. Frieder Schlaich, the director, wrote the screenplay with Klaus Pohl; they based it on events in Stuttgart in August, 1989. (I had a prior interest: my grandfather was born in Stuttgart—before it looked like this.) A West African immigrant, jobless, broke, nearly hopeless, makes his way through what turns out to be the last day of his life. That day is seen as inevitable, the climax of a long struggle.

That day is also seen as the sum of a life, or at least this life's potential. The man is known by the German name of Albert Ament, but—as we learn near the end—his original African name is Frederic Otomo. At the start he checks out of a sort of shelter, whose clerk treats him as a friend. Then, on a tram en route to look for a job, he gets into a dispute with the conductor because he feels that he is being unfairly treated. He shoves the conductor and flees. He spends the rest of the day evading the police while he looks first for work, then for transport to Holland.

One sequence has a touch of arrangement about it—his encounter in a park with a little girl and her youngish grandmother. But the sequence is so winningly done that it serves chiefly to open up *Otomo* a bit more. And it makes the desperation of the last scene, with Otomo and five policemen, seem like the end of an agon, harsh but in a small way Attic.

Much of the sense of size in this account of an immigrant worker, who is only one among many thousands in Germany, comes from the performance by Isaach de Bankolé. He was first prominently seen in Claire Denis's *Chocolat*, with a presence that lingered in memory long after the film. Then he was in Jim Jarmusch's *Night on Earth* and *Ghost Dog*. In *Otomo* he plays in a third language, but this is the least important fact about him. Bankolé,

who has a sculptural face, carries within him a wealth of authentic feelings and an appeal that makes us want to share them.

The grandmother is played by Eva Mattes, a truthful actress too long absent from American screens. During Fassbinder's hurricane career, she was in several of his films; but she is best remembered as Proust's beloved maid-servant in Percy Adlon's *Céleste*. (How it must irk the French that the best film about Proust was done by Germans.)

Schlaich has made one previous film

(unseen by me), *Halfmoon*, based on stories by Paul Bowles. Unlike the Coens, Schlaich puts his gifts at the service of the story, its mood, its implication of powers that victimize the protagonist—like the long shots of Otomo seated alone on one end of a bench or of him moving down a cheerless empty street. Schlaich's work is reminiscent of Wim Wenders and Werner Herzog and Alexander Kluge in the abundant German New Wave of three decades ago. It's a reminiscence worth having. ■

Bulworthism

By JOE KLEIN
Political Fictions
by Joan Didion

(Alfred A. Knopf, 338 pp., \$25)

I.

JOAN DIDION ONCE did me a favor. It was in 1988, in the middle of that most insipid of recent presidential campaigns. I had been on the road for months, following the candidates—in retrospect, the intensity of my effort seems a form of temporary insanity—and, as will happen in such circumstances, I had lost perspective. The boredom that was Dukakis had become an old story. The ugliness that was Bush—the Willie Horton gambit, the Pledge of Allegiance!—had yet to surface. I was in California, watching Dukakis take a victory lap: the last primary, a foregone conclusion. It was sunny—at last, after all those months in Iowa and New Hampshire—and it was warm, and there were crowds of people (as opposed to the sullen clots that the candidates had encountered elsewhere). And Dukakis appeared to respond a bit, in his constricted Dukakian way. He was marginally better than he had been; the crowds were marginally more enthusiastic than they had been. I allowed myself to believe that this had some significance, that he was “growing” into a potential president. Shame on me.

Enter Didion, on one of her exceedingly rare forays to the front lines of politics. She observed Dukakis that day in California

and weeks later, in *The New York Review of Books*, quite accurately declared him dreadful. And she quoted my account of the swing. This was embarrassing—but it was also apposite: I certainly had gone slightly goofy. Partly as a consequence of Didion's slap on the wrist, I vowed never again to spend more than a day or two at a time on the stump with any candidate (a luxury that most of my colleagues did not enjoy) and to redouble my efforts to guard against boredom, wishful thinking, and Stockholm Syndrome. So thanks, Joan, for that.

Actually, Didion's criticism of what I wrote fit quite neatly into her Unified Field Theory of American Political Life, which she explains in a foreword to her new book, a collection of her essays written for *The New York Review of Books*, which is appropriately titled *Political Fictions*:

It was clear . . . in 1988 that the political process had already become perilously remote from the electorate it was meant to represent. It was also clear in 1988 that the decision of the two major parties to obscure any possible perceived distinction between themselves, and by so doing to narrow the contested ground to a handful of selected “target” voters, had already imposed considerable strain on the basic principle of democratic exercise, that of assuring the nation's citizens a voice in its affairs. It was also

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clear in 1988 that the rhetorical manipulation of resentment and anger designed to attract these target voters had reduced the nation's political dialogue to a level so dispiritingly low that its highest expression had come to be a pernicious nostalgia. Perhaps most strikingly of all, it was clear in 1988 that those inside the process had congealed into a permanent political class, the defining characteristic of which was its readiness to abandon those not inside the process.

Well, yes and no. Didion was early (though not alone) in spotting the insular, antiseptic cautiousness of late twentieth-century politics: the institutionalized banality of language, the fear of inspiration, the primacy of focus groups, the pomposity of the press. This was a public service. For Didion, however, the "remoteness" of electoral politics "from the real life of the country" was only the beginning. Note her second, percussive "It was also clear in 1988": there was a "decision" by the two political parties to "obscure any possible perceived distinction between themselves" in order to limit democracy.

A "decision" implies complicity and cooperation between the Republicans and the Democrats. Does she actually believe that? Perhaps not. On closer inspection, Didion seems to be talking about the "decision" of one of the parties—the Democrats—to "shed any association with its low-income base" and thereby to alienate a vast sea of voters who might otherwise sweep them to victory. (Republicans, she observes, adore low turnouts.) Why would the Democrats do that? Because of the money showered upon them by the special interests, Didion explains. The diabolical conduit for this money was the moderate Democratic Leadership Council, and the result was clear: an alienated and semi-impooverished near-majority of Americans had turned away in disgust from the political process. Al From, the president of the DLC and one of Didion's favorite villains, actually admits that the Democrats' target voters in the 2000 election were "affluent, educated, diverse, suburban, 'wired,' and moderate."

AND SO THE conspiracy is revealed. These are the very same voters, Didion explains, who are targeted by the Republicans:

"Florida," in this light, could be seen as a perfectly legible ideogram of the process itself, and of where that process had taken us: the reduction of a national presidential election to a few hundred voters over which both parties could fight for thirty-six days was the logical

imaginative representation of a process that had relentlessly worked . . . to restrict the contest to the smallest possible electorate.

There are several problems with this interpretation. First, the Democrats' allegedly neglected core supporters—trade unionists, minorities, poor people—actually turned out in droves in 2000 (especially African Americans in Florida, who voted at a rate slightly higher than their proportion of the population). And Al From happens to be right: Gore lost not because he ignored the party's base, but because he was not as successful as Bill Clinton in gaining support from voters in the \$50,000- to \$75,000-per-year income range. Second, there is Didion's odd notion that an effort to focus on, and then to attempt to seduce, undecided voters in a close election is somehow unseemly. This is traditional Mugwumpery: upper-class reformers in America have always been put off by the gristle and guts, the transactional nature of practical politics.

Sadly, most voters—particularly the moderates who decide close elections—tend not to respond to ideals or to irony. (Dwight Eisenhower usually beats Adlai Stevenson.) Voters respond to personalities (Bush—simple, friendly; Gore—smart, shifty). They also occasionally respond to bribes: tax cuts, prescription drug plans, and so on. So the real "ideogram" here is legislative: every president in American history has had to promise highway funds and sewer funds and cheese museums in order to secure the greater good. The process is not very inspiring—indeed, good-government types consider it corrupt; but it is the way things work, and, despite Mugwump qualms, the banalities of democracy have proven a decidedly benign form of moral compromise over the years.

FINALLY, DIDION'S NOTION that non-voters are a seething, alienated mass who would turn every election into a Democratic Party landslide if only they voted is the political equivalent of an urban legend. After the 1988 election, *The New York Times* surveyed non-voters and found that, had they voted, Bush the Elder would have won by an even larger margin. In 1992, Ross Perot voters—who approached Didion's ideal of righteous anger, and certainly shared her disapproval of politics-as-usual—were asked how they would have voted if Perot had not run. The answer was: pretty much the same way as other voters had voted, narrowly for Clinton (thus confounding the Republican belief that Perot had cost Bush the election).

Indeed, trying to analyze non-voters

turns out to be a frustrating pursuit. They are slightly poorer than the average, as Didion points out. They also tend to be younger people who have grown up in flush, peaceful times and therefore have no experience of the importance of government when times suddenly become less flush and less peaceful. There was an intellectually flabby cynicism to many of these people when they were interviewed in the 1990s. Why vote? Politicians are all alike: all corrupt, all slick and blow-dried, all mealy-mouthed and irrelevant. The level of American apathy in good times was never admirable, but it was a consequence of the country's strength. Politics was a distant cloud on the horizon of an extremely sunny day. One imagines that all that has changed now. One imagines that many of the formerly alienated have switched from *Wheel of Fortune* to the evening news, and have American flags flapping from their car antennas, and chant, "USA! USA!" at the slightest provocation. Or such is my fantasy (and also, I suppose, my patriotic hope).

Joan Didion asserts a theory, bereft of qualifications, based on a fantasy of her own. She knows who the non-voters are. As a teenager, she was friendly with them:

It had not been by accident that the people with whom I had preferred to spend time in high school had, on the whole, hung out in gas stations . . . They had gotten drafted, gone through basic at Fort Ord. They had knocked up girls, and married them, had begun what they called the first night of the rest of their lives with a midnight drive to Carson City and a five-dollar ceremony performed by a justice of the peace still in his pajamas.

Somehow, though, these people never make an appearance—except as a tendentious abstraction—in Didion's essays. Didion gets her political information secondhand, by reading the papers and political books, and by watching television.

Occasionally, she will go to a dinner party. These tend to be memorable affairs. One dinner takes place on the weekend before the California primary in 1988 at "the Pebble Beach house of the chairman of a large American corporation. There were sixteen people at the table, all white, all well off, all well dressed, all well educated, all socially conservative." Despite these disadvantages, the guests were surprisingly in touch with the mood of the alienated near-majority: "During the course of the evening, it came to my attention that six of the sixteen, or every one of the registered Democrats present, intended to vote for Jesse Jackson." And six months later Didion reports, "On the

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evening of the November 1988 election and on several evenings that followed, I happened to sit at dinner next to men with considerable experience in the financial community. These men were, among themselves, uniformly pessimistic."

There are stray mentions of other fancy events throughout Didion's book, but there is only one encounter with an alienated American. It is a rather weird one. It occurs in San Jose, in "a neighborhood in which the lowering of two-toned Impalas remained a central activity," on the day that Didion joined the pack following Dukakis through California. It deserves to be recounted in its entirety:

"I want to be a candidate who brings people together," the candidate was saying at the exact moment a man began shouldering his way past me and through a group of women with children in their arms. This was not a solid citizen, not a member of the upscale target audience. This was a man wearing a down vest and a camouflage hat, a man with a definite little glitter in his eyes, a member not of the 18.5 percent and not of the 20.2 percent but of the 81.5 percent, the 79.8 [Didion is referring to those Americans who did and did not watch the political conventions on television that summer]. "I've got to see the next president," he murmured repeatedly. "I've got something to tell him."

"... Because that's what this party is all about," the candidate said.

"Where is he?" the man said, confused. "Who is he?"

"Get lost," someone said.

"... Because that's what this country is all about," the candidate said.

Here we had the last true conflict of cultures in America, that between the empirical and the theoretical. On the empirical evidence this country was about two-toned Impalas and people with camouflage hats and a little glitter in their eyes, but this had not been, among people inclined to the theoretical, the preferred assessment.

Excuse me, but is she saying that most Americans are deranged? And what exactly is the empirical evidence that America is "about" two-toned Impalas and people with camouflage hats? What about those mothers with children in their arms that the lunatic pushes past? What about the "someone" who tells the guy to "get lost" and all those others try-

Counterpoint

This morning it is the frost which is beautiful—a white skin laid down on the fields, the grass, the fogged white hills. The sky is masked by furl, feathering. The pure cold stream of it, snow, fog, frost. One finch huddles on the porch, puffed out, nesting in its own feathers. Anything merits light: the finch, a pair of sparrows. A missing child. A widow leaving on a cruise. The sad man carrying his burden to the garage, the young woman with everything to burn. Birds alight on wires strung across the yard, perch and swoop, a sudden flurry. When they are gone the silence thickens, the way snow drifts over the lawn. Smoke joins the white arrivals. Above its monochromatic glaze, a dazzle of sun. Some heaviness, thick sorrow, surfaces, emerges. How unwilling I am to change. Only morning can be itself, forgetful, unprepared, without forethought.

Sandra Kohler

ing to listen to the candidate? Are they not part of America, too? Or are they just deluded pawns of the theory-mongering political class?

The wrongheadedness of all this is stunning. Didion's "empirical" is ridiculously theoretical. And her theory is effete, patronizing nonsense. Don't her editors at *The New York Review of Books* ever press her on these vast, weary pronouncements? Or does her worldview conform so closely to their own disdain for our misguided republic that it does not merit questioning? The casual, flaccid smugness is gagging. Everything is just so obvious. The targets are just so fat. Ronald Reagan. Newt Gingrich. Marvin Olasky. The press. Say the names and you get the picture. These are people who never have an interesting thought or a faintly convincing argument.

There are no nuances in Didion's account, and there is no mercy. Phrases such as "And yet" or "But it is also fair to point out" rarely darken her prose. She assaults Bob Woodward for his embarrassing sycophancy toward his subjects, but she never acknowledges that Woodward has produced some valuable reporting over the years. Facts and anecdotes, to be sure, not analysis and irony: but if Woodward is anything, he is a servant of the empirical, and Didion claims to aspire to the empirical. Only once in Didion's book is there a fleeting hint of compassion for a politician. She elegantly—always elegantly—skewers Newt Gingrich through the judicious selection of his own words, and then she locates in him "the drone of the small-town autodidact, the garrulous bore in the courthouse square. There is

about these dismal reductions something disarming and poignant, a solitary neediness, a dogged determination to shine in public." And that's about it for compassion.

II.

J OAN DIDION CLAIMS to be a Goldwaterite. She voted for him, she says, in 1964:

Had Goldwater remained the same age and continued running, I would have voted for him in every election thereafter. Instead, shocked and to a curious extent personally offended by the enthusiasm with which California Republicans who had jettisoned an authentic conservative (Goldwater) were rushing to embrace Ronald Reagan, I registered as a Democrat, the first

member of my family... to do so.

She declares herself mystified by those who find her beliefs "eccentric, opaque, somehow unreadable." And she is partly right: her beliefs are not unreadable, and they would not be considered eccentric on the west side of Los Angeles or the Upper West Side of Manhattan.

But the opacity is everywhere. Indeed, it is her *modus operandi*. Why, for example, was Goldwater an "authentic" conservative and Ronald Reagan not? One can surmise that Goldwater's consistent libertarian opposition to government meddling in issues such as abortion and homosexuality is what Didion is talking about here. But she provides no explanation. One might just as easily conclude that Didion is offended by Reagan's smudging of Goldwater's well-known opposition to the civil rights legislation of the 1960s and Medicare.

No, that couldn't possibly be true. She seems to favor government provision of health insurance. In fact, Didion takes Woodward to task for failing to illuminate the "central curiosity" of the Clinton health care proposal, which was

by what political miscalculation a plan initially meant to remove third-party profit from the health care equation (or to "take on the insurance industry," as *Putting People First*, the manifesto of the 1992 Clinton-Gore campaign, had phrased it) would become one distrusted by large numbers of Americans precisely because it seemed to enlarge and further entrench the role of the insurance industry.

It is curious how Didion's prose clogs up on those rare occasions when she attempts to discuss the substance of policy. One senses that she is not merely wrong, but that she is in over her head.

The Clinton health insurance proposal, for example, was never intended to "remove third-party profit from the health care equation." The president and Hillary Clinton, and also Ira Magaziner, were careful—from the beginning of the 1992 campaign to the end of the debacle—to express their opposition to government-run "single-payer" systems. (The campaign rhetoric about "taking on the insurance industry" was vague, populist window-dressing of the sort that Didion, in her more lucid moments, likes to skewer.) And where is the "empirical" evidence that the Clinton health plan was distrusted by "large numbers of Americans" because it seemed to "enlarge and further entrench" the insurance industry? My recollection is that the plan foundered because its opponents were able to paint it as excessively bureaucratic—and that even as the plan was collapsing on Capitol Hill, a majority of Americans still favored it. Finally, how does Didion's apparent support for the removal of "third-party profit" from the health care system square with her Goldwaterite libertarianism? Again, there is no explanation.

DIDION RARELY MAKES a coherent intellectual argument about anything. There are sweeping generalizations. There are quotations. But there is no effort to explain why her targets' arguments are misguided. Their banality proves them wrong. Everything is so obvious.

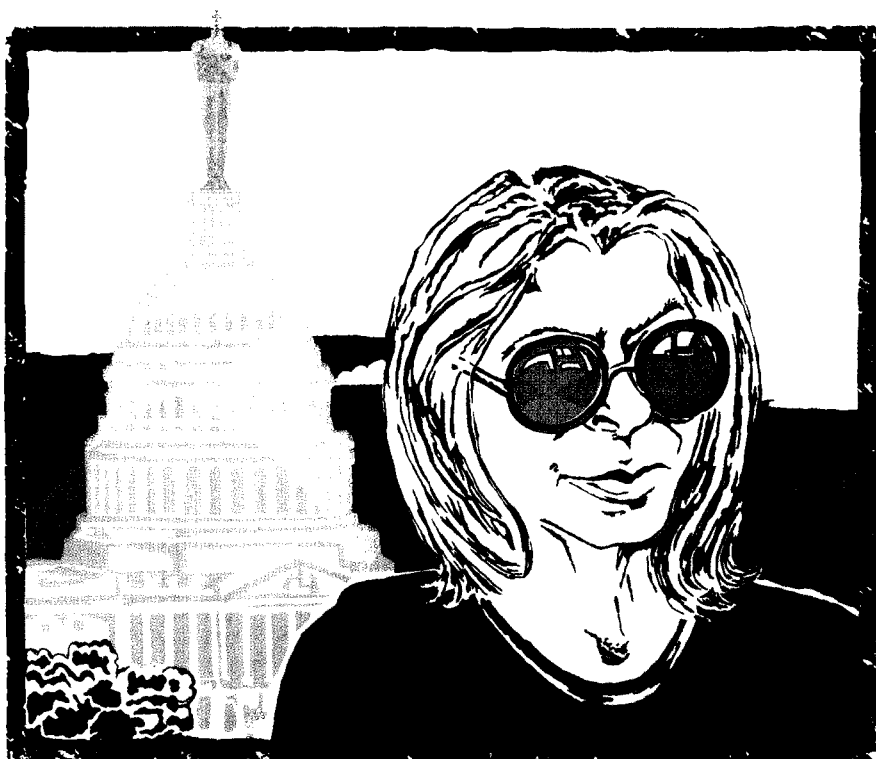
Didion experiences similar difficulties nearly every time she encounters complexities of governmental policy—that is, whenever she decides to address the things that politicians actually do when they are not running for office. She can be quite precise and outraged when describing America's support for the fascist thugs who committed massacres in El Salvador. That isn't very hard. But she gets all tangled up in *Putting People First*, Bill Clinton's campaign document in 1992—which, when the inevitable political boilerplate was stripped away, turned out to be a fairly accurate description of what Clinton intended to do as president.

For Didion, though, *Putting People First* is a "shell game." It is a ploy, a phony; all about getting elected, not about governing. Clinton's worldview, she asserts, "began and ended with the woolly resentments of the focus group and so remained securely distanced from what might be anyone's actual readiness to address actual concerns." And so Didion

finds confusion and a bald attempt to seduce the focus group ninny. She finds the smarmy, desperate Clintonites making all sorts of contradictory promises: to eliminate the welfare entitlement and yet reduce poverty; to spend more on education and yet reduce by one hundred thousand the number of bureaucrats who would supervise those programs.

"Clues to how all this might be accomplished were absent in the text itself," Didion confidently remarks. But the "clues"—indeed, the theoretical matrix for Clinton's domestic policy—existed aplenty in the work of scholars at the Progressive

poor—through the Earned Income Tax Credit, day care credits, children's health insurance, and other programs. He also made the first two years of college a middle-class entitlement. (By 1999, ten million out of fourteen million eligible Americans were taking advantage of Clinton's higher education tax credits.) This represented a quiet revolution in liberal social policy, and a form of government activism that could be supported by the very people whom Didion professes to represent: the gas station crowd, the people who hated the corrupt old welfare system and yet believed that government



Joan Didion by Alexandra MacMaster for The New Republic

Policy Institute, the think tank associated with the Democratic Leadership Council. Their work, of which Didion seems unaware, was a substantive revision of standard Democratic Party social policy. It proposed the use of tax credits and direct cash payments—rather than state-run programs supervised by government employees—to alleviate poverty. Far from being a shell game, this was a vital initiative directed at the very people whom Didion professed to be concerned about, including more than a few driving two-tone Impalas.

These policy ideas were at the center of the intellectual debate between "Old" Democrats and "New" Democrats in 1992. The debate was settled when Clinton successfully implemented his governing philosophy as president. While maintaining fiscal discipline, he vastly expanded the money going directly to the working

should extend a hand to "those who work hard and pay their bills," to coin a phrase.

Eight years later, Didion finally admits, in passing, that Clinton's legacy is a country in which "median income had reached an all-time high, the unemployment rate was at its lowest point in three decades, the rate of violent crime was down, and the digital national debt clock in Manhattan was running backward." She does not offer an explanation for these successes, but then her startling encomium is tendered under duress. There is trouble in the land. The political class—again led by the press, the Republicans, and the Democratic Leadership Council (in the form of its pious former president Joseph Lieberman)—is conducting a jihad against the "legacy" of Bill Clinton and, far more nefariously, against the First Amendment's establishment clause. This, according to Didion, was the *real* story of

the 2000 campaign: the insertion of religion into public life.

Didion is alarmed. The slogan "compassionate conservatism," she declares, "describes a specific and deeply radical experiment in social rearrangement." But she never explains, in a simple declarative sentence, what this proposed experiment is. She offers us Marvin Olasky's vacuous head on a platter. She says "the use of [the term] 'faith-based' is artful and worth study." But she does not study it very hard. She does not bother to explore the details of the dispute over public support for social programs offered by religious organizations. She never tells us why someone like Senator Paul Wellstone (and sixteen other Democrats) would vote for then-Senator John Ashcroft's "charitable choice" provision of the welfare reform bill of 1996, which is the only "faith-based" initiative to have been passed by Congress. She does not even acknowledge that avowedly religious programs—as opposed to secular programs provided by religious organizations such as Catholic Charities—already exist, and that they have sometimes been found to be more effective than state programs in alleviating poverty.

The programs, the actual work they do, are not important enough to "study." What is important, by contrast, is a conspiracy—the millennial edition of Didion's same old conspiracy—on the part of the political class: they are fomenting a religious revival in the year 2000 in order to "prove the political class correct on the Clinton issue." In other words, there is a need for Republicans and the press to prove that they were right to spend so much time and energy on the Lewinsky scandal. Al Gore played into the Republicans' hands, twisted his campaign into a pretzel, and chose Lieberman because his pollsters believed that Clinton's "values" were a problem. And "values" were what the political class had determined that this election was going to be about. "Values," Didion is certain, represent a "pernicious nostalgia" rather than a real concern—particularly on the part of parents in two-wage-earner families—about the impact of a crass, soulless popular culture upon their children. The call to values, she asserts, is "a call to the barricades, which in this case is the front gate of Paramount Pictures." We are getting close to the heart of the matter.

III.

IN ADDITION TO her essays and her novels, Joan Didion has produced an extensive body of work in the film industry. She has received screenwriting credits on eight films, including *Panic in Needle Park*, *True Confessions*, and *A Star*

Is Born. She lived in Los Angeles for many years before moving to New York. And her knowledge of the movie business, her immersion in the life of Hollywood, seems a critical element of her political sensibility.

Didion deploys that knowledge impressively in her demolition of Dinesh D'Souza's hagiography of Ronald Reagan, another difficult target. She cites D'Souza: "Without any connections, [Reagan] made his way to Hollywood and survived its cutthroat culture to become a major star." She immediately corrects this inaccuracy: "This was literally not true: Reagan was never a major star, but a reliable studio contract player." He was a second-rate actor playing the role of "president." And this, in Didion's view, explains the Iran-contra scandal:

For the "President," a man whose most practiced instincts had trained him to find the strongest possible narrative line in the scenes he was given, a man for whom historical truth had all his life run at twenty-four frames a second, Iran-contra would have been irresistible, a go project from concept, a script with two strong characters, the young marine officer [Oliver North] with no aim but to serve his president, the aging president with no aim but to free the tyrannized ... a buddy movie: and better still than a buddy movie, a mentor buddy movie, with action. ...

This was a president who understood viscerally—as the young colonel also understood—that what makes a successful motion picture is exactly a foolish enterprise, a lonely quest, a lost cause, a fight against the odds: undertaken, against the best advice of those who say it cannot be done, by someone America can root for. *Cut, print.*

This is wonderful stuff, all the more delightful because it is so unintentionally revealing. Like Reagan, Didion has a romantic sense of public life that is straight from the glitter factory, except from a different director. If Reagan longed to be John Wayne in *The Sands of Iwo Jima* or *She Wore a Yellow Ribbon*, Didion's political movie is a cross between *Mr. Smith Goes to Washington* and *Chinatown*. Like Reagan, she is a total sucker for "a lonely quest, a lost cause, a fight against the odds," only her quest is not against the Enemies of America, it is against Lionel Barrymore and his plutocratic buddies, or the dark and arcane forces controlling the water supply in Los Angeles, or the CIA, or the Christian Coalition.

It is no accident, then, that the only two politicians upon whom Didion seems to smile are Jesse Jackson and Jerry Brown.

(One imagines that she smiled upon the lonely quest of Ralph Nader as well, but there is no evidence of that in this book.) In the case of Jackson, she sets up a classic screenwriter's cross-cut: dueling victory parties on the night of the California primary in 1988. The Dukakis folks are a bunch of stiff, of course: "all the custom-made suits and monogrammed shirts in Los Angeles that night were there." By contrast, the Jackson campaign's "energy level in defeat [was] notably higher than that of the other campaigns in victory. ... I recall the candidate, dancing on the stage ... then taking off his tie and throwing it into the crowd, like a rock star. This was of course a narrative of its own, but a relatively current one, and one that had, because it seemed at some point grounded in the recognizable, a powerful glamour for those estranged from the purposeful nostalgia of the traditional narrative."

Didion's account of Jerry Brown's genuinely frivolous campaign in 1992 is quite similar. Again, there is the contrast with the suits. Bill Clinton's convention resembles nothing so much as a "sunbelt country club." Meanwhile, Brown

had been the only one of the Democratic primary candidates who, on the evening of the primary campaign's first Washington debate, did not go to dinner at Pamela Harriman's. He maintained so apparently quixotic a guerrilla presence in New York that Maureen Dowd began referring to him in the *Times* as The Penguin. He worked out of the *Rolling Stone* office. He got messages at Dennis Rivera's Hospital Workers Union Local 1199. He camped one night at a homeless shelter and other nights at my husband's and my apartment. He passed up the balloon drop and the podium handshake to end the convention with his volunteers, finishing the night not at the DNC's four-million-dollar fund-raising gala but at Elaine's.

NOW THERE IS a high concept: a rebel candidate who sleeps in homeless shelters and dines at Elaine's. Too bad neither Jerry Brown nor Jesse Jackson had the box-office power to bring it off. And even if they had, the script needed doctoring. What if the candidate—a charming United States senator, say—suddenly realizes, after a lifetime of pandering bloviation, that he has been living a lie? What if he suddenly starts telling the "truth" about inconvenient things, and bonds with the poor, and hangs out with gangsta rappers, and delivers his speeches in rhyme, and sleeps with Halle Berry, and as a result starts to become incredibly popular? Such a candidate would present too great a threat to

the shadowy corporate types who really run American politics, and he would have to be eliminated. But alas, Warren Beatty chose not to run in 2000.

Didion's political essays seem very dated now. They are artifacts of the most placid and prosperous moment in American history, a time when allegedly serious news organizations and journals of opinion turned to cynics and stylists—people who knew little about politics and nothing at all about policy—to make pronouncements about public life. These people

practiced a form of theater criticism, assuming and sometimes even asserting that politics was a lesser branch of show business, that politicians were merely actors reading lines, that political performance consisted only of public speaking and image-making; while the quiet work of governance, the true work of elected officials, was largely ignored. This was, almost by definition, a flagrantly superficial conceit. It is probably finished now. When reality visits, there is no need for political fictions. ■

of suppressing unpopular views and inhibiting honest discussion. In O. J. Simpson's criminal trial, the jury appears to have shirked its responsibility to weigh the evidence that had riveted the nation. Some of the members of the jury, Kuran suggests, may have been inhibited in expressing their thoughts about Simpson's guilt by fears of being viewed as racist.

THE LIKELIHOOD THAT some jurors may be too ignorant, too lazy, or too inhibited to deliberate rationally and disinterestedly is especially unsettling for democratic theorists of all persuasions. After all, some of the least sentimental chroniclers of American democracy have viewed the jury itself as a remedy for the public ignorance that inevitably afflicts citizens of vastly different abilities in an age of expanded suffrage. Tocqueville viewed the jury—above all the civil jury—“as a school, free of charge and always open, where each juror comes to be instructed in his rights, where he enters into daily communications with the most instructed and most enlightened members of the elevated classes, where the laws are taught to him in a practical manner and are put within reach of his intelligence.” In complicated civil cases, he observed, jurors would defer to the greater wisdom and intelligence of the judge; in criminal cases, by contrast, “which rest entirely on simple facts that good sense easily comes to appreciate,” judge and juror would meet as equals. Today, in an age when inequalitarian solutions to the public ignorance that afflicts democracy, such as Mill's proposal to limit suffrage to the educated classes, are unthinkable, the question of whether or not the jury actually is capable of teaching citizens to look beyond their selfish private concerns and to converge on a broader public truth seems more urgent than ever.

This is the question that D. Graham Burnett illuminates in his memoir of jury duty, without trying explicitly to answer it. Burnett, a professor of history, offers his experience as the foreman of a criminal jury in New York as a dramatic narrative rather than as a work of political or historical analysis: he draws few direct conclusions about democracy from the accumulation of details in his vivid story. Still, by unflinchingly describing his fellow jurors, with their very different abilities, attention spans, and capacities for reasoned deliberation, Burnett provides an important alternative to the airbrushed abstractions of the deliberative democrats. Rather than idealizing his fellow jurors, Burnett is willing to take them as they actually are; and in his refusal to blink at their shortcomings, he is far less condescending than those who pretend

A Room With a View

By JEFFREY ROSEN

A Trial by Jury by D. Graham Burnett

(Alfred A. Knopf, 183 pp., \$21)

AMONG POLITICAL theorists today, there is a vigorous debate between those who advocate deliberative democracy and those who emphasize public ignorance. The deliberative democrats insist that it is not enough for laws and jury verdicts to be adopted democratically. Instead they must be adopted for the right reasons. Rather than voting based on “naked preferences,” these theorists insist, representatives and jurors should support their positions by appealing to reasons that are publicly intelligible, and they should respectfully listen to the views of their fellow citizens before arriving at a final conclusion. Some deliberative democrats seem to view debates in a legislature or a jury room as something like an undergraduate seminar in public policy, in which participants can be persuaded to embrace a rational view—this often means a conventionally liberal view—of the most contested issues of our day, if only they are exposed to the right arguments.

Scholars of public ignorance are rather more sober about the prospects for steady enlightenment by democratic means. In their view, it is impossible to square the idealized view of deliberation with everything that we know about the way in which public opinion actually is formed. These scholars emphasize that citizens have vastly different abilities to form rational opinions based on an evaluation of evidence, and to express their views in publicly intelligible ways. Many citizens are lazy or irrational, and they are too ill-

informed about public affairs to choose even those policies that coincide with their own deeply held interests or convictions. Instead of holding deep convictions in the first place, many citizens display only incoherent impulses based on their emotional responses to whatever images happen to catch their attention on television. And other citizens have ideological attachments that cannot be swayed by reasoned debate.

Few deliberative democrats have tried to respond to these challenges, and the handful of attempts at providing a foundation for the rationalists' optimism have not been entirely satisfying. James Fishkin has conducted elaborate experiments in which citizens are given the equivalent of an undergraduate-level course in public affairs before being polled on the issues of the day. Fishkin's “deliberative polls” in England and in America consist of small groups of voters who are presented with information about public policy by experts and then asked to discuss the issues in televised sessions. Although Fishkin found that voters changed their minds about some issues, it was not clear whether they did so because they were persuaded by the deliberations, or because the new information had the effect of momentarily catching the attention of an ill-informed and easily distracted group. Moreover, as Timur Kuran has noted, there is no guarantee that people in deliberative settings will say what they really think (especially when they fear that their discussions may be broadcast on television). Social pressures may have the effect

that all viewpoints deserve equal respect. By coolly enumerating the weaknesses of his jury, Burnett helps us to appreciate its unexpected strengths.

THE FACTS OF Burnett's case are easy to summarize, because most of them were never in dispute. In August 1993, Randolph Cuffee, an African American man, was found dead in his apartment near Christopher Street. Monte Milcray, a younger African American man, admitted that he had killed Cuffee, but he claimed that he had acted in self-defense. Milcray's story shifted several times. First he said that he had met a long-haired black woman named Veronique in Union Square, gone back to her apartment, undressed, and only then realized that she was a he. Milcray claimed that Veronique, who was in fact Cuffee, then tried to rape him, at which point Milcray went for his knife and stabbed Cuffee in the back and chest. Later Milcray said that he had met Veronique in a telephone chat room, and had made up the story about the street encounter because he was embarrassed to tell his fiancée that he was using a telephone dating service.

At the trial, the prosecution claimed that the victim and the defendant were lovers who frequented the "Fem-Queen Stroll" on Ninth Avenue. The prosecution's star witness, a drag queen called Nahteesha, said that on the night of the murder she had seen the defendant sitting on Cuffee's futon, watching a pornographic video with an air of post-coital satisfaction. (In a nice comic turn, Burnett describes the judge's gallantry in protecting another drag queen, Hector-Laverne, from the badgering of the defense attorney: "Hector-Laverne managed to pull off a completely unexpected (and seditious) tweak, teasing this berobed codger into a bizarre transgression of heterosexual norms: the judge had become, for a moment, Hector-Laverne's white knight and protector. Disciplines have been founded on less juicy moments.") Milcray chose to take the stand, where he insisted that he had acted in self-defense and that he had been ensnared in a sexual charade. On cross-examination, the lead prosecutor managed to alienate Burnett by theatrically re-enacting the murder without providing a convincing motive for why a mild-mannered defendant without a criminal history would commit a grotesque murder if he were not acting in self-defense.

The judge told the members of the jury that they should find Milcray guilty of second-degree murder if they thought that he had intentionally killed Cuffee, or acted with depraved indifference to human life. If they thought that he had

acted recklessly, the judge further instructed, then they should convict him of manslaughter. But if they thought that he reasonably believed that he was in imminent danger, then his conduct could be justified as self-defense and he should be acquitted.

BURNETT'S ACCOUNT of the trial is funny and keenly observed, but his book comes to life mainly in its latter half, which describes the jury's deliberations. The conclusion that is begged by Burnett's account of the deliberations is that scholars of public ignorance are far more realistic than the deliberative democrats in emphasizing the vast range of jurors' abilities to understand evidence and to contribute to the proceedings. "There are some jurors here," Burnett observes in his notebook at the trial, "who are such idiots, so thoroughly oblivious to good judgment, or so thick (regardless of their intentions), that it seems improper to aid them in depriving a man of his liberty."

He comes to loathe in particular a juror named Felipe, who stares out the window and refuses to deliberate, and whose sullen silence is occasionally punctuated by paranoid rantings about his former girlfriend. When Felipe pipes up that even if Milcray is found not guilty he will go to jail for "a good long time," several of the jurors have to explain that he is wrong, and that if Milcray is found not guilty he will be released. "By the end, he had thrown much into question for me: not least, my confidence in jury trials," Burnett writes. "Are there some citizens not clearly able to distinguish daytime television from daily life?" Other jurors are similarly dim-witted. Rachel, a kindly older Jamaican lady, says little during the deliberations, only to switch her vote briefly at the very end so that she can raise points that everyone else had considered before. The only explanation that Burnett can offer for her change of heart was that Rachel felt "much of the drama of the last hours had overlooked her" and "wanted us to remember she was still in the room."

Although Burnett says that Felipe has called into question his confidence in trial by jury, his account shows that the jury system is resilient enough to survive even though a number of citizens are unable or unwilling to deliberate. A part of this is owed to the fact that we expect so little of jurors to begin with. Especially in criminal trials, jurors do not need to bring much knowledge to the table. The rules of evidence are designed to protect them from any information that might sway the emotional or the dull-witted. Jurors are not allowed to weigh hearsay evidence, for example, even though all of us rely on hearsay to make decisions about people in

real life. (Much of journalism is based on hearsay.) They are not told about a defendant's previous bad acts, out of a concern that this would inflame their prejudice. (Burnett learns only after the trial is over that another young man alleged that Cuffee had molested him after enticing him to the apartment by posing as a woman; the judge had excluded the evidence because it was more prejudicial than probative.)

Jurors are also not allowed to take notes, to Burnett's repeated frustration. And they are locked in a hotel room at night because the state does not trust them not to discuss the trial with their families during the proceedings. Although the sequestration almost provokes a mutiny—"We're the prisoners now!" one juror complains to the judge—it proves to be indispensable to the jury's ability to reach a unanimous verdict. For some jurors have such short attention spans that it is impossible to imagine them taking the time to converge on a unanimous outcome were they not locked in a room that was watched over by armed guards.

THIS IS NOT to say that all of the jurors are ignorant and irrational: some of Burnett's colleagues turn out to be genuinely open to reasoned argument. After a re-enactment of the fight—during which one juror gets on her back and calls for someone to lie between her legs—several people change their minds, conceding that Milcray's story of hand-to-hand struggle is not entirely implausible. There is a slight movement in the direction of acquittal; but at some point positions harden, and what follows resembles not so much deliberation as horse-trading. There is a Hebrew expression for negotiation, *masa u'matan*, which means "carrying and giving," and this phrase—rather than the more abstract "deliberation"—best describes what actual juries are forced to do in the search for unanimity. A friend of mine, for example, recently sat as a juror in a simple case involving the receipt of a stolen car. The jury deliberated for a while, and after it was clear that everyone knew what they thought, deliberation gave way to negotiation: to prevent a hung jury, the least forgiving jurors had to promise to vote not guilty on some counts in exchange for their more lenient colleagues' vote of guilty on other counts. Some jurors wanted to acquit on all counts, and some wanted to convict on all counts, but after the "carrying and giving," they reached a verdict that no one thought was perfect or entirely just but that everybody could live with.

Burnett describes a similar dynamic: his jury resembles not so much a seminar room as the backroom of a local legisla-

ture. And as in legislatures, political leadership plays a crucial role in setting the agenda and structuring the deliberations. Burnett, after his election as foreman, is cast as the moderator, and his clever leadership makes horse-trading—and, in the end, unanimity—possible. His account confirms Tocqueville's insight that jurors of lesser abilities often need the guidance of "the most enlightened members of the elevated classes." (There are a few places in Burnett's account where he conforms also to the intellectual haughtiness that characterizes Tocqueville's observation.)

BUT THE GUIDANCE that the professor of history provides looks nothing like the elaborately mannered rules of democratic discourse proposed by self-styled champions of democratic deliberations. In an essay about democratic authority, David Eastlund imagines six rules of "Epistemic Proceduralism," including the requirements that "participants sincerely address questions of justice, not of interest group advantage" and that "participants evaluate arguments fairly, irrespective of the identity of the person ... offering the argument." Since his background conditions are so exacting, Eastlund cautions that the "epistemic needs of Epistemic Proceduralism cannot be met without the voters having a certain decent level of competence."

Burnett's jurors could not have met Eastlund's impossible standards if they had tried. (Nor should our fellow citizens be expected to master the rigors of "Epistemic Proceduralism.") For this reason, the practical rules that Burnett imposed as foreman were far less demanding: "I suggested that we speak in turn, that we indicate a desire to have the floor by a show of the hand, and that I would keep track of the order of speakers, so that anyone who wished to contribute could." Like all leaders in democratic situations, Burnett recognized the importance of appearing humble: the first thing that he did in the jury room (after proposing a moment of silence) was to offer to relinquish his place to whomever his colleagues chose by a show of hands. In a courtly turn, he was careful to step aside and let the others precede him out of the jury box. And as soon as he was elected foreman, in a sign of respect to his fellow jurors, he "rapidly revised" his courtroom appearance, exchanging his sweatpants for a tie, sweater vest, and blazer. A juror named Paige, a decorator who insists that she is intuitive rather than rational, jokes that Burnett thinks that this change in wardrobe "will help him lead us." "Well, yes, actually," Burnett replies, and his intuitive understanding of the importance of "a simple respect for the forms" helps him to



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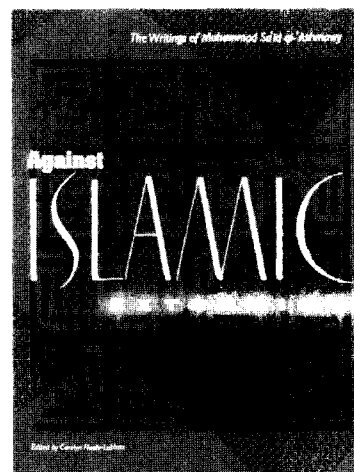
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establish his democratic authority without much ado.

WHAT FOLLOWS CANNOT be considered deliberative in any idealized sense. After a certain point, there is little giving of reasons, weighing of principles, and so forth. Instead there is an attempt to broker a deal. At the beginning, a narrow majority of the jurors seem to feel that self-defense cannot be ruled out. About half of the eight people who say that they think Milcray was acting in self-defense are also willing to say that he is guilty of one of the charges. This creates a procedural dilemma: does the jury have to reach a unanimous verdict on one of the possible charges before it can consider the question of self-defense? Burnett insists that the jury should save time by voting on the self-defense question first without trying to reconcile the very different views about whether Milcray is guilty of murder or manslaughter.

His most articulate opponent, a fellow historian named Adele, allies herself for strategic reasons with what Burnett considers a muddled position: decide guilt first and self-defense after. By emphasizing the gory details, she hopes to focus the attention of undecided jurors on Milcray's guilt. The jury members cannot agree on how to decide whether the charges should be considered in order—should a majority or a supermajority decide?—and so they instruct Burnett to ask the judge. After a long wait, the judge sends back his response: the charges have to be considered in order. But in the end the jury ignores this instruction and votes on self-defense without taking a formal vote on the underlying question of guilt.

Burnett's initial instinct in the face of disagreement is to hope for a hung jury; the possibility that people might change their positions in the course of the discussion does not occur to him until later. He decides quietly to vote to acquit, hoping that at least one other juror will take the opposite position, resulting in a hung jury. The idea of a hung jury also appeals to his instincts as a scholar: "I realize now that for me—a humanist, an academic, a poetaster—the primary aim of sustained thinking and talking had always been, in a way, more thinking and talking." But unlike the deliberate democrats, who view jury service as a conversation whose main goal seems to be more deliberation, Burnett comes to realize that his job as a juror is not to keep questions open but to bring them to a close. "A hung jury would turn our jury duty into a symposium, an intensive discussion group, an interpretive seminar," he concludes. "It would mean something different to everyone, like art."

But jurors are not students in a seminar, where all viewpoints can be respected and understood. In the end, everybody has to shut up and vote.

As the jurors go around the room and Burnett hears six or seven of his colleagues say that they think Milcray might have acted in self-defense, he finds his own "somewhat flexible" inclination in that direction become stronger. "Clearly, I wasn't just raving," he says. This is consistent with Timur Kuran's studies of social comparison, which have found that people are quick to jump to hasty conclusions about the opinions of others based on superficial and unreliable cues about behavior. To avoid social ostracism, they may support the status quo because they falsely conclude from the lack of open opposition that others support it.

But once a few people voice a previously suppressed view, the silent majority may be emboldened to reveal its own true feelings. Thus Burnett initially scorns Dean, a cowboy-turned-vacuum-cleaner-repairman whom he calls "the Faludiman" because Dean dresses like the stereotypical white male redneck. But when Dean and others prove to be far more thoughtful than they appear and begin to voice doubts about Milcray's guilt, Burnett is emboldened to start defending acquittal more openly. At some point Burnett decides to try to lead the jury toward a unanimous verdict, out of a sense of his duty as foreman, and simply to show that he can.

HE ACHIEVES THE unanimous verdict through a combination of persuasion and horse-trading. Adele the historian worries that an acquittal would be unjust, and if the law is not just, it cannot have any force. There is an attempt to broker a deal: perhaps both sides could move toward a middle ground, agreeing on a conviction of manslaughter rather than murder. Burnett argues against the compromise, insisting that it would be "a violation of our duty as jurors, which is to apply the law," not to fudge the law because of a desire to see Milcray get punished. "The true justice of our legal system lies in its ability to forgo justice," Burnett insists dramatically.

The stiffness of the law is the product of a very serious idea: that the law should be exactly the same for everyone, regardless of who they are—that our rule of law can never bend, because if it did it could be used to reach and get a particular person, be used to satisfy particular desires. Instead the idea is that it will be totally rigid, and what it can catch it will catch, and what it cannot catch must be let go.

In fact, Burnett's formalistic view of the

jury as a mechanical enforcer of unyielding rules is not the only view, or even the traditional view. In 1929, Dean John Wigmore, the leading authority on evidence, noted that law and justice are from time to time in conflict, because law is composed of general rules, applied equally to all, while justice is concerned with the fairness of a particular case in the context of its circumstances. The judge, said Wigmore, must apply the law as he finds it alike for all, justice or no justice. But the jury has a very different function: "The jury, in the privacy of its retirement, adjusts the general rule of law to the justice of the particular case.... Thus the odium of inflexible rules of law is avoided, and popular satisfaction is preserved.... That is what the trial jury does. It supplies that flexibility of legal rules which is essential to justice and popular contentment."

Wigmore's vision of the jury as a rule-defying body has itself been vigorously criticized. Jerome Frank, the great legal realist, admired the candor of admitting that juries have the power to disregard what the trial judge tells them about the rules, but he warned against romanticizing the jury as a dispenser of popular justice. Often juries simply do not understand what the judge said to them, and they reach their verdicts not because they like or dislike a particular rule, but because they have certain emotional responses to the lawyers and the witnesses. Also, if juries are better than judges at applying legal rules, why do we ask juries to find facts and judges to apply the law?

BURNETT DEPICTS THE jury's choice as one between inflexible rules and forgiving standards, between law and justice. He says that the turning point in the deliberations comes when Dean, "the Faludiman," gives a dramatic speech about how "justice belongs to God; men only have the law." "He's convinced me," says a juror who had been inclined to convict, her eyes brimming with tears. But although the dramatic choice between law and justice may have helped to focus the attention of some jurors, it oversimplifies the complexity—and in some cases the irrationality—of the views of others. Some of the jurors who were initially inclined to convict Milcray were not advocates of justice over law. They were not trying to nullify what they perceived as the unjust laws requiring proof beyond reasonable doubt, in the spirit of those who refused to enforce the fugitive slave laws during the Civil War. Instead they claimed to be convinced beyond a reasonable doubt that Milcray had not acted in self-defense, even though their certainty appeared unreasonable to their colleagues.

Similarly, a juror named Leah, the most

fervent advocate of acquittal, did not take the moderate position: that Milcray was probably lying, but there was not sufficient evidence to conclude beyond a reasonable doubt that he had not acted in self-defense. Instead she took the more extreme view that Milcray clearly had been acting in self-defense. Leah was hampered in her ability to convince others by her emotionalism and hyperbole: trying to convey the dangers of living in a country without respect for the rule of law, she tells a personal story about a friend who was arrested and raped by the police in Turkey. (Scholars of public ignorance worry that many citizens are unable to discuss public affairs except in terms of their daily lives.)

This is too much for the other jurors, who lose their tempers and begin to shout at each other. What emerges from this part of Burnett's account is that certainty can be as unreasonable as doubt, but that there is a point at which no amount of deliberation will change the minds of jurors who have decided what they think. Some jurors cannot be deliberated with; and so they must be accommodated. The final accommodation occurs after the jury has voted unanimously to acquit. Burnett calls the bailiff, but just before he can turn over the verdict sheet, Adele has second thoughts. "No! Wait, we're not ready!" she exclaims. "Not yet." Fortunately, Burnett is ready for any exigency: as it happens, he has gotten up early to draft a statement to the court that makes clear "that we feel we are doing the right thing before the law but something that is not, in the end, really just." He reads the statement, and everyone is satisfied, including Adele. Fade to black.

In this moment, and in a few other moments, Burnett's account of his own self-possession and eloquence seems almost too good to be true. In the end, though, it does not matter whether or not Burnett has given us a literal transcript of his own performance: as he recognizes at the end of the book, there is a crucial difference between writing a narrative and deciding a case. "The writing has done the thing I wanted so badly from the start," he concludes. "It has made the trial into words, a thing to read, to interpret, to circle back through. A text. Like art. Meaning something different to each person. Keeping the large questions open. But the trial was not like that."

Again, "like art." Burnett verges sometimes on the dandyish, which interferes with the sobriety of his enterprise. But he is making a significant point. A narrative, like a seminar or an idealized exercise in democratic deliberation, can raise doubts rather than resolving them, respecting every perspective and allowing all participants to view the facts and law through

the lens of their own most flattering self-conceptions. But a verdict is something different. It is, as Burnett suggests, "literally a true-saying, a truth-to-be-spoken," and it must be spoken within the limitations and constraints imposed by a particular room, a particular time, and a particular group of twelve fallible men and women.

Tocqueville predicted that jury service would benefit jurors more than it would benefit the parties to a case. And Burnett confirms that the experience of being locked in a room together forced twelve people to focus on something other than their own personal affairs, and therefore helped to combat the selfishness that is the blight of egalitarian democracies. After reading the verdict along with the note of qualification, the hectoring and unpleasant judge backhandedly thanks the jury, pointing out that in peacetime jury duty is the most extensive commitment that the state demands of citizens. Although it is not comparable to the sacrifices demanded of his generation in war, it represents a service to the country.

"He was right," Burnett recalls. "I felt, dimly, a new respect for him, a sympathy for his perpetual irritation with the parade of self-indulgent New Yorkers who passed under his bench." What Burnett's narrative shows is that there is no fatal contradiction between self-indulgence, public ignorance, and democratic participation. If jury service neither requires nor

produces perfect citizens, it can at least teach them to negotiate and to live with each other, giving and taking in the search for compromise.

It is hard not to be moved by Burnett's account of reading aloud the final ballots, especially the moment when it becomes clear that twelve jurors have voted to acquit. And the unanimous verdict is moving because Burnett has not sentimentalized the discussions that led up to it. "Eventually an imaginary world is entirely without interest," reads one of the book's epigraphs, from Wallace Stevens. Rather than trying to perfect or to airbrush his fellow jurors, Burnett has presented them in all their human varieties and limitations. Some are as clever and strategic as a rational choice economist; some are as earnest as the most cloying of the deliberative democrats; and some are as irrational and disengaged as the wildest nightmare of a scholar of public ignorance.

Burnett reminds us (and his literary voice helps the idea go down more smoothly) that not everyone is entitled to equal respect, although everyone is entitled to an equal vote. All must be accommodated, even if some are unable or unwilling to deliberate. As for the verdict itself, it inspires respect not because it is produced by respectful deliberations, and not because it displays a principled commitment to either law or justice. It inspires respect because it represents the unanimous voice of the people. ■

Germ Colonies

By ALAN TAYLOR

Pox Americana: The Great Smallpox Epidemic of 1775–82 by Elizabeth A. Fenn

(Hill & Wang, 370 pp., \$25)

A FEW MONTHS ago, who anticipated that anthrax would be spread by terrorists through the mail? And now there are worries about the return of smallpox, once the most feared disease on the planet. Smallpox has been deemed to have been eradicated, but strains of it still lurk in laboratories with

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widely varying degrees of security and intent. Our grim new possibilities lend urgency to knowing more about smallpox's dreadful past. History can always help—if not practically, then intellectually, so that we might better understand the dangers that we may face. Fortunately (if that is the right word), we have a talented and judicious guide in Elizabeth Fenn, who has produced a morbidly compelling account of the great smallpox epidemic that ravaged North America between 1775 and 1782.

Inspired in part by the public awareness

generated by AIDS, historians recently began to pay closer attention to the power of past epidemics to shatter and to reshape human societies. A century ago, American historians thought of their continent as once a "virgin land," a vast wilderness virtually untouched by humans until it was colonized by Europeans. The great nationalist historian of the nineteenth century George Bancroft insisted that in 1492 the future United States was "an unproductive waste . . . its only inhabitants a few scattered tribes of feeble barbarians." That view obscured the large Indian populations that greeted the first European explorers—populations soon decimated by the deadly new diseases introduced by the colonizers. Correcting the old view, colonial historians now see North America as, in the words of the late Francis Jennings, a "widowed land" rendered so by the fatal microbes that accompanied the European invaders.

Almost everywhere, the first European explorers and colonists reported horrifying and apparently unprecedented epidemics among the native peoples. During the 1580s, Thomas Harriot described the fate of the Indians near the new English colony at Roanoke Island (in present-day North Carolina):

[They] began to die very fast, and many in [a] short space; in some townes about twentie, in some fourtie, in some sixtie, & in one sixe score, which in trueth was very manie in respect to their numbers. . . . The disease also was so strange that they neither knew what it was, nor how to cure it; the like by report of the oldest men in the cuntry never happened before, time out of mind.

In 1633 a New England colonist reported that "it pleased God to visite these Indeans with a great sickness, and such a mortallitie that, of 1000, above 900 and a halfe of them dyed, and many of them did rott above ground for want of buriall."

After 1492, the Indians paid dearly for their former isolation from the larger and more virulent disease pool of Africa, Asia, and Europe. The world's champion killers—including smallpox, typhus, diphtheria, bubonic plague, malaria, yellow fever, and cholera—developed in the Old World after the Indians had emigrated to the Americas (approximately 15,000 years ago). From many generations of internal combat with these microscopic invaders, Africans, Asians, and Europeans developed partial defenses: antibodies and immunoglobins. Over time, Europeans and their micro-predators tended to work out a rough and always provisional equilibrium. Most people survived their bouts with disease,

enabling human reproduction to keep pace with mortality. Consequently, as colonizers the disease-toughened Europeans carried viruses of even greater danger to others than to themselves. Their breath, blood, sweat, and lice conveyed micro-predators that consumed Indians, who lacked the immunological resistance of past experience.

SMALLPOX WAS THE most terrifying and most devastating of the diseases that were unwittingly introduced by the colonizers. A highly communicable virus, *Variola major* passes by the exhalation of victims through the air on moisture droplets or dust particles to enter the lungs of a new host. After an incubation period of twelve days, victims come down with a high fever and vomiting, followed three to four days later by gruesome sores over their entire bodies. Painful, incapacitating, and disfiguring, smallpox transforms people into hideous masses of pustulated flesh. In New England during the 1630s, a colonist described Indians with pustules "breaking and mattering and running one into another. . . . And then, being very sore, what with cold and other distempers, they die like rotten sheep."

Among Europeans and Africans in the early modern era, the fatality rate usually approximated one-quarter to one-third of the afflicted. Infected Indians died at about twice that rate. Although scarred with pocks and sometimes blinded, the survivors reaped a precious lifetime immunity to the disease. But they could not pass this complete immunity on to their progeny, so every North American generation accumulated the human fuel to feed a spectacular new epidemic.

Compared to the Indians, the British colonists got off lightly. In addition to their better resistance, the colonists benefited a bit from two more systematic measures that restricted the disease: quarantines and an early form of inoculation known as "variolaion." Enforced by town or city governments, quarantines confined suspected carriers to remote pesthouses for care by doctors and nurses with the immunity of previous exposure, and for isolation from the rest of the community. During the early eighteenth century, the British and their colonists also began to practice variolaion: the intentional implantation of live smallpox matter into an incision made in an arm or a hand. For reasons that are still unclear, smallpox artificially taken through a cut proved less debilitating and less deadly than when contracted randomly and naturally through the lungs. Fewer than five percent of the variolated died, compared to the twenty-five percent ordinarily killed

by natural exposure. And as with any bout with smallpox, variolaion gave immunity to its survivors.

But both quarantine and variolaion measures had problems. In an age of expanding maritime commerce, identifying and confining carriers overtaxed the minimal governments of eighteenth-century America. And even if they were effective in the short term, quarantines imparted no immunity to the local people, leaving them vulnerable to the next diseased newcomer. Variolaion was also risky: some patients died, and all of them increased the dangers of exposure for their neighbors who were not taking the treatment. By its considerable expense, variolaion benefited the prosperous, who could afford it, while threatening their poorer neighbors, who could not. In self-defense, rather than out of backward prejudice, mobs of common people often drove from their towns any doctors who introduced variolaion. To preserve social harmony, some colonies, especially in New England, banned the practice, preferring quarantine as an alternative.

ESPECIALLY DEADLY AND specialized, *Variola* suffers from its own success. The disease either kills or affords immunity, rendering victims unsuitable for the virus to linger in or to return to. Elizabeth Fenn observes that "for the parasite this presents a problem. *Variola* consumes its human hosts as a fire consumes its fuel, leaving spent bodies, dead or immune, behind it." Possessing no carriers or victims other than humans, the virus needs to find new hosts quickly. It thrived in places crowded with people, and benefited from diseased (but not yet symptomatic) travelers visiting new and unaffected communities. Moreover, *Variola* was deadliest where social chaos prevailed. Bad enough in the best of circumstances, smallpox fatality soared when people lacked nurturing care. Indians died in especially large numbers because almost everyone in a village became sick at the same time, leaving too few to provide food, water, firewood, and care to the afflicted. Malnourished, dehydrated, cold, and demoralized groups rarely survived the virus.

War maximized the crowding, the movement, and the disruption that promoted smallpox. Wars cluster people in filthy military cantonments and refugee camps, and send soldiers marching and civilians fleeing over long distances, and rupture communities with death and fire. Brother-horsemen of the apocalypse, war and pestilence have long collaborated in their deadly work. It was no accident that smallpox came into North America with the invading and rampaging Spanish con-

quistadors of the sixteenth century. *Variola* surged anew in proportion to the scale of every subsequent colonial war. As the most extensive and destructive conflict of the eighteenth century in North America, the War of the American Revolution stimulated the most far-ranging and deadly smallpox epidemic since the brutal era of the conquistadors. In addition to Indians, the Revolutionary epidemic killed thousands of Americans of European or African descent, illuminating their shared contacts in misery.

BY EXAMINING THE massive smallpox epidemic that accompanied the American Revolution between 1775 and 1782, Elizabeth Fenn provides a dazzling new perspective that embraces an entire continent. We tend to think of eighteenth-century North America as a group of distinct and isolated regions—a mismatched set of Spanish, French, Dutch, British, and even Russian colonies. Clustered along distant coasts, these colonies have seemed isolated by a broad and vague interior then still possessed by diverse Indian peoples. Consequently, historians of the American Revolution rarely examine cultures and places beyond the thirteen new states along the Atlantic seaboard. By tracking an epidemic across colonial boundaries throughout North America, Fenn recovers the larger picture that we have long missed.

Like a marker in the bloodstream, smallpox generated far-flung documents, exposing the networks of human contact and exchange that crisscrossed the continent from Quebec to New Orleans, from Mexico City to Hudson Bay, from South Carolina to the Pacific Northwest. The spreading epidemic demonstrated that war and trade had already interlocked the lives and the fates of native and colonial peoples. Fenn overrides the confining and parochial boundaries of regional and national histories to reveal a North American continent surprisingly integrated by colonial war and long-distance trade. In recent years, some scholars have called for a more trans-national approach to American history; Fenn demonstrates how it can be done, and the benefits of doing so.

On the East Coast at the start of the war, the rival British and American commanders had to decide how best to protect their troops from smallpox. The British rather easily opted for variolation. Since the disease was more endemic to the more urbanized mother country than to the predominantly rural colonies (where it came in infrequent but spectacular epidemics), most of the British troops had suffered from and survived smallpox as children or adolescents. The few who

needed variolation could be easily cared for and protected by the majority. The superior professionalism, organization, and discipline of the British regulars also rendered effective their quarantine while they were undergoing the treatment.

GEORGE WASHINGTON FACED a much tougher call. Most of his troops were American by birth and lacked the immunities of past exposure. Variolating them all was an expensive and massive operation initially beyond the limited funds, the makeshift organization, and the faulty discipline of the new rebel army. To variolate part of the army would increase the exposure for the rest, and to inoculate the whole would render them defenseless against British attack for several weeks. Consequently, Washington and his subordinate officers initially rejected variolation in favor of quarantine—which proved ineffective among raw troops who believed that fighting for liberty meant obeying only the orders they liked.

Sensitive to their greater vulnerability to smallpox on an epidemic scale, the Americans suspected that the British practiced a crude form of biological warfare by sending infected civilians and clothing within the American lines. Although useful as anti-British propaganda, such reports also produced panic in American ranks. Fenn tends to credit these rumors, although in only one surviving document (from the end of the war) does a British general actually propose the practice; and we have no proof that his superior applied the grim proposal.

Fenn's fresh new angle clarifies significant episodes in the war. In late 1775 in Virginia, the British royal governor, Lord Dunmore, invited black slaves to desert their planter masters and join his army in suppressing the revolution. To the horror of the planter class—who dominated the revolution in the southern colonies—about a thousand slaves escaped to enlist in Dunmore's "Ethiopian Regiment." To the planters' relief, smallpox soon killed most of the black troops, whom the British had neglected to inoculate. Fenn observes that "the very act of assembling the Ethiopian Regiment had brought together in one place a large, vulnerable population." At a critical, early moment in the revolution, the collapse of the Ethiopian Regiment preserved the slave system from its greatest threat. The untimely (for African Americans) epidemic preserved the paradoxical linkage of black slavery and white freedom in the Revolutionary movement.

Partial to neither side, smallpox assailed the Americans when they invaded Canada in late 1775. Despite hundreds of

sick, their generals clung to the ban on variolation. Desperate to improve their odds of survival, dozens of men defied the orders and covertly inoculated themselves from the pustules of the sick. But this only compounded exposure for the troops who obeyed the orders to avoid variolation. As hundreds died, the commanders begged for reinforcements, but their arrival only increased the victims. Fenn explains: "With *Variola* coursing through the army, the arrival of new troops was akin to throwing gasoline on a fire." During the spring of 1776 the northern American army collapsed as the weakened survivors fled back into New York. One shocked soldier reported that "my eyes never before beheld such a seen, nor do I ever desire to see such another—the Lice and Maggots [that] seem to vie with each other, were creeping in Millions over the Victims."

The northern debacle threatened to undo the remaining American armies led by Washington. The northern veterans brought home both smallpox and demoralizing stories about smallpox, spreading the epidemic to civilians and discouraging recruiting for the army. Men who might risk British gunfire balked at the more terrifying miseries of smallpox in a military camp. Facing a chronic shortage of manpower, Washington recognized that the Revolution could not survive another mass outbreak in the army. In early 1777, reversing his policy, Washington ordered a mass inoculation, which he managed to keep secret from British intelligence. "The army had pulled off the first large-scale, state-sponsored immunization campaign in American history," Fenn remarks. Given the probable consequences of either inaction or failure, the successful inoculation marks one of Washington's greatest accomplishments: a critical contribution to the narrow American victory.

Meanwhile, smallpox was spreading into the villages of Britain's Indian allies deep within the continent. In the spring of 1776, Indians helped rout the Americans retreating from Canada—but by donning

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clothes plundered from the dying, many warriors contracted smallpox, which they carried home to their far-flung villages around the Great Lakes. Farther south, on the Carolina frontier, Cherokee warriors picked up smallpox by raiding infected American settlements. *Variola* then spread through the native world of the vast Mississippi River watershed, conveyed via "an unbroken chain of person-to-person connections." Apparently that chain brought the virus into the Spanish colony of Louisiana, at the mouth of the Mississippi, where smallpox proliferated during the winter of 1778-1779.

IN THE SUMMER of 1779, the disease appeared in Mexico City, where at least nine thousand people died by year's end. North America's largest and most cosmopolitan center, Mexico City gathered and disgorged thousands of travelers annually, making it the perfect ground for breeding and spreading smallpox. By collecting and analyzing the mortality returns from Mexican parishes, Fenn painstakingly and insightfully reconstructs the disease's trajectory northward deep into the hinterland. At the end of 1780, the epidemic reached New Mexico, then the northern frontier of the vast Spanish empire. In Santa Fe's parish, mortality surged from only six deaths (from all causes) in December 1780 to thirty-nine in January 1781 to one hundred eighty-one in February.

Beyond New Mexico, European observers were few and transient: occasional sojourners in a vast geography possessed by diverse Indian peoples. On the Great Plains stretching northward into Canada, tribes of hunting-and-gathering nomads swirled around the more permanent villages of horticultural Indians dwelling along the few major rivers, principally the long and muddy Missouri. For most of the century, the villagers more than held their own in wars against the nomads. In addition to war, the various native peoples traded over vast distances. Native middlemen sent northward horses from New Mexico in exchange for Indian slaves taken by other natives in wars fueled by guns sold by British traders at forts along the sub-Arctic Hudson Bay for buffalo hides and beaver pelts. Mounted on newly acquired horses, and newly armed with guns, the Great Plains Indians could conduct war and trade at unprecedented velocity and over far greater distances. "It was," Fenn notes, "an intricate web of connections that could carry pox as well as pelts far and wide."

During the summer of 1782, native informants alerted the Hudson Bay traders to the demographic catastrophe raging in the immense interior. Thousands of

Indians were dead or dying of smallpox. Traveling traders saw plenty of confirmation; one reported that "hundreds lay expiring together without assistance, without courage, or the least glimmering hopes of recovery." Panic compounded the mortality as relatives abandoned the victims, convinced that none could recover. Denied care, few did recover.

FENN PERSUASIVELY LINKS the northern reports of 1782 to the New Mexican evidence of 1781 and to the Mexican parish returns of 1779-1780 as parts of one big epidemic, rather than several isolated episodes. She concludes that "the Mexico City outbreak generated a tidal wave of smallpox that reached as far north as Hudson Bay and as far west as Alaska." In the transmission northward beyond New Mexico, Fenn emphasizes the role of the Shoshone Indians, who lived in the Rocky Mountains and on the northwestern Great Plains. During the early eighteenth century, they became the pre-eminent middlemen in the north-south trade in New Mexican horses for Indian slaves. In 1781 their enemies, the Blackfeet, struck back by raiding Shoshone camps. The raiders won surprisingly easy victories, for most of the Shoshone were dying from smallpox. Unwittingly, the victors carried homeward the grim disease. A survivor told a trader that "we had no belief that one Man could give it to another, any more than a wounded Man could give his wound to another."

In tracking the disease, Fenn makes the most of the sparse and terse records made by the Indians, principally some "winter counts": buffalo hides spirally decorated with historical pictograms, one per winter. Each symbol represents the most conspicuous annual event in a tribe's experience, beginning in the late eighteenth century. At least thirteen of these survive to attest that smallpox dominated the native memory of the years 1781 and 1782. But generally Fenn must rely on the erratic accounts of Spanish officials and British traders perched at the northern and southern edges of the Great Plains, looking in with vague apprehension on the native world.

By necessity, Fenn speculates to fill in broad gaps between disparate clues. At one critical point in her story, she concedes that her interpretation "hangs upon a single shred of substantial evidence and the concurrence of a number of widely varying circumstances." Frank about her speculative methods and limited sources, Fenn invites readers into the detective work of making the most of a few traces in the documentary record. Rather than curse and dismiss this native world as his-

torical darkness, she has found and lit the only candles available to her.

FENN MUST BE especially resourceful in deciphering the disease's probable route into the Pacific Northwest. Lacking colonies or resident traders, the Pacific Northwest remained, to eighteenth-century Europeans, the most mysterious and remote corner of North America. And so it is also terra incognita to colonial historians. Not until the late 1780s did sojourning mariners become routine annual visitors with a precise understanding of the coastline. Come to trade with the natives for sea otter pelts, these mariners found the signs of a massive smallpox epidemic: abandoned villages, bleaching skeletons scattered on the beaches, and native survivors with grim stories and pocked faces. But when and how had *Variola* arrived?

Fenn thoroughly and shrewdly examines the various European suspects. During the 1770s, Russian fur traders and Spanish explorers had probed the coastline, visiting the native villages. In 1778, the celebrated English navigator Captain James Cook sojourned with the Nootka people of Vancouver Island. None of these visitors reported any traces of smallpox. With careful research Fenn also dismisses the possibility that the mariners unwittingly introduced *Variola* to spread after their departure. She detects no traces of epidemic either in their home ports or aboard their ships during voyages far longer than the incubation period. By canvassing the multiple European forays to tell her smallpox story, Fenn concisely yet comprehensively depicts the rich complexities of a part of North America generally left mysterious in our histories.

By a process of European elimination, Fenn returns to the Shoshone as critical to transmitting the disease into the Pacific Northwest. European mariners discerned that the Pacific natives traded up the Columbia River with the Nez Perce Indians of the Rocky Mountains. During their subsequent trans-continental expedition of 1804-1806, Meriwether Lewis and William Clark noted that the Shoshone routinely traded with their neighbors the Nez Perce. Fenn plausibly reads that relationship back into the previous generation to interpret the Shoshone and Nez Perce as key links in the chain that brought *Variola* from New Mexico, up the Great Plains, into the Rocky Mountains, and down the Columbia to the Pacific. She explains: "Here the evidence regarding smallpox dwindles to nothing. But given *Variola's* transit thus far, it takes no great leap to imagine the disease traveling so short a distance [from the Shoshone to the Nez Perce]." Once again the smallpox

story serves Fenn's larger ends: to reveal the continental shockwaves of colonialism far beyond the white faces, and to expose the enduring power of native networks of long-distance trade and diplomacy.

After canvassing the epidemic's spread across the continent, Fenn interprets its consequences. By her conservative estimate, during the war years smallpox claimed the lives of one hundred thirty thousand North Americans, most of them Indians. The epidemic killed far more people than did all the battles of the long war. By disproportionately afflicting some native groups, the disease empowered neighboring groups that suffered less. The village Indians of the Missouri Valley lived in greater concentrations, and so they died at a greater rate than did their enemies among the horse nomads. Exploiting their new advantage, the nomadic Lakota tribes destroyed many of the disease-weakened villages to become the most numerous and most powerful people along the Upper Missouri by 1800. Farther north, the Blackfeet similarly benefited from the greater deaths suffered by their rivals, the Shoshone to the west and the Cree to the east. The reduction of the Cree enabled the Blackfeet to directly obtain more guns from the British traders at Hudson Bay. Better armed than their enemies, the Blackfeet dominated the northern Great Plains, taking captives and hunting territory from the weakened Shoshone. At the start of the nineteenth century, the embattled Shoshone welcomed the Lewis and Clark expedition, detecting an opportunity to obtain American allies and guns to even their scores with the Blackfeet. In the pattern of native rivalries, shifted by the epidemic, the expanding Americans found new opportunities to dominate the continent.

Ultimately, as Fenn observes, "*Variola* was a virus of empire," for "in the long run, the pestilence seemed invariably to favor the great imperial powers of Europe and the United States." Especially the United States: with much help from smallpox in Virginia, the Americans won their revolution without conceding liberty to their many slaves. After the war, thanks to the further reduction of Indian numbers, the Americans more readily expanded their settlements westward, reaching the Pacific by the 1840s.

FENN RECOVERS AND tells a story that is timely as well as powerful and sobering. Contrary to official and popular myths, smallpox is still with us. Advances in methods of inoculation and measures of public health did combine to curtail the disease dramatically during the twentieth century. Deemed eradicated in 1979 by the World Health

Organization, smallpox last claimed victims in September 1978, when a medical technician died after contracting the virus from matter inadequately secured in a nearby laboratory in Birmingham, England. In shame and despair, the laboratory's head committed suicide.

Variola will almost certainly kill again—if not by another accident, then by intentional proliferation as a biological weapon. After 1979, the World Health Organization reduced the officially authorized stocks of *Variola* to just two: one in the United States and one in Russia. Both were scheduled for destruction in 1999, but the American government balked.

Suspecting a larger number of clandestine stocks in other hands—some of them terrorist hands—the American military preferred to preserve its own potential for biological warfare. If unleashed into our place and time, *Variola* will delight in human hosts far more crowded, rapidly mobile, capable of mass warfare, and free from the immunities of smallpox experience than in the eighteenth century. Taking a cue from no less an American authority than George Washington, our leaders would do well to accelerate the production and the administration of comprehensive vaccination against this dreaded disease. ■

Alone Together

By STEPHEN HOLMES

After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars by G. John Ikenberry

(Princeton University Press, 293 pp., \$19.95 paper)

SEPTEMBER 11 HAS forced us to revisit some of our deepest assumptions, but it is important to remember that there was wisdom also before September 11, in many contributions to the debate about America's international role that appeared before the world was turned upside down. G. John Ikenberry's book is such a work. Before the recent atrocities, we could have read this book as an extended commentary on the Bush administration's apparent willingness to withdraw unilaterally from the Antiballistic Missile Treaty. It provides a debatable but useful framework for criticizing the cavalier attitude toward multilateral institutions visible earlier in serial rebuffs by American administrations of the International Criminal Court, the International Treaty to Ban Land Mines, the Biological Weapons Protocol, and now the Kyoto Protocol, the Comprehensive Test Ban Treaty, and the Small-Arms Control Pact. But the Bush government's retreat from unilateralism, when faced with an unprecedented threat, does not make the book's analysis any less instructive, though we certainly have to read it now with new questions and anxieties in mind.

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Before September 11, American unilateralists would regularly ask: if the European Union and Japan fight us through trade, why should we foot the bill for their security? Why should foreign powers, which naturally prefer their own interests to America's interests, have a veto over our initiatives? Is not military spending a more sensible way to conduct foreign policy than consulting dubious allies? To such questions, Ikenberry offers the following heartfelt reply: "If American policy makers want to perpetuate America's preeminent position, they will need to continue to find ways to operate within international institutions, and by so doing restrain that power and make it acceptable to other states."

He reaches this reasonable-sounding conclusion by way of a long march through history and theory. After three analytically shrewd chapters on "the sources of order" in international affairs, he wades into three dense case studies, comparing postwar settlements after 1815, 1919, and 1945 with an eye to teasing out their commonalities and differences. He claims to have discovered some sort of teleology or learning process tying these cases together: "settlements have moved in the direction of an institutionalized order." When pointing out "the increasing use of institutional strategies" among

Western peacemakers after 1815, he means to identify the post-1945 settlement as the ideal end-point toward which earlier generations of diplomats were, in some sense, unconsciously groping.

WHAT THE POST-World War II peacemakers achieved, in Ikenberry's account, was nothing less than "history's most sweeping reorganization of international order." The reorganization was not merely far-reaching, it was also unique—although foreshadowed to some degree. What made it exceptional was the success of the United States, by far the most powerful of the victorious nations, in designing, building, and maintaining multilateral institutions of collective governance. World affairs are still dominated today either by the institutions forged after the war or by their lineal descendants, namely NATO, the International Monetary Fund, the United Nations, the World Trade Organization, and the European Union.

This extraordinary flurry of institution-building after 1945 needs explaining. Triumphant powers usually behave otherwise in the wake of knockout victories. Indeed, "never has there been a great power that has sought to institutionalize the postwar order so thoroughly." One explanatory puzzle Ikenberry poses is this: "Why would the United States, emerging from World War II as the most powerful country the world had yet seen, agree to spin a dense web of international institutions and place itself squarely within them?" Why did the homeland of non-entanglement not instead revert to isolationism or unilateralism after the war, turning its back on the rest of the world and abandoning former allies and enemies alike to the law of the jungle?

Stripped to its essentials, Ikenberry's answer is that "the institutional model of order building" underlying the postwar settlement reflected a "sophisticated power game." The strategy was sophisticated because it was based on the paradoxical insight that less is more—in this case, that less power is more power. The United States allegedly agreed to rein in its own ascendancy, to make its behavior more predictable (sacrificing the advantages of arbitrary decision-making), in order to obtain useful cooperation from potential allies and partners.

This is Ikenberry's implicit retort to the two most common attacks on multilateralism. For the American right, until recently, multilateral institutions were forums for humiliating if not paralyzing the United States (the recent United Nations conference on racism comes to mind). For the international left, multilateral institutions were and presumably

still are front organizations artfully designed to work America's will (the G-7 and the IMF). Ikenberry counters these two clashing forms of anti-multilateralism by weaving them deftly together. The United States has made its power more durable and more extensive, he argues, precisely by sacrificing unsupervised mastery, voluntarily curbing its capacity to act unilaterally and unpredictably.

Not even those inclined to accept this sunny assessment of postwar American foreign policy would claim that its theoretical premise is especially novel. The strongest is never strong enough to rule without some degree of voluntary compliance. To become sustainable, might must be turned into right. The ideal liberal solution, approximated in domestic settings, is to make power acceptable to most citizens, and thereby to enhance its stability, by subjecting it to constitutional limits. On this uncontroversial foundation Ikenberry builds his arresting thesis: that the United States, in the aftermath of World War II, was the first global power successfully to apply the liberal legitimacy formula to the international domain. Thanks to the wise framers of postwar American foreign policy, he tells us, the world order now has "constitutional characteristics."

By building and agreeing to work through multilateral institutions, the United States not only "signaled restraint." It also made a "credible commitment" to protect its allies, to work with them, and to treat them fairly. It mobilized cooperation by "binding itself." Admittedly, "self-binding" is a rather awkward metaphor. For one thing, it implies a kind of inflexibility, or resistance to midstream adjustments, incompatible with effective governance in a world of kaleidoscopically evolving challenges and threats. However ironclad they appear, a state's commitments must not prevent timely adaptation to shifting opportunities and dangers, interests and purposes, resources and problems, partners and adversaries. This is why Ikenberry, when illustrating his point, focuses on a commitment that is eminently compatible with the need to react to unforeseen events: namely, fixed-calendar consultations.

The history of Western liberalism suggests the centrality of regularly convened deliberative councils and semi-public negotiations about policy for the evolution of modern constitutional government. After World War II, says Ikenberry, the United States consciously transplanted precisely this robust but flexible aspect of domestic constitutionalism into the international arena. In so doing, the United States was building on the efforts of Great Britain in the aftermath of 1815. The Vienna system, established at that time,

already amounted to "permanent diplomacy by conference." Britain's "breakthrough" lay "in its appreciation of the potential role of ongoing consultative mechanisms as institutional devices to maintain order and manage potential adversaries." The United States took up the torch, giving its allies after 1945 "institutionalized 'voice opportunities'"—not equal influence, of course, but a genuine say in making policy, especially when the distribution of burdens and collectively produced benefits were involved, as well as a chance to air grievances and seek redress when frustrations arose, as they inevitably did and do. More concretely: "the acceptability of American hegemony was facilitated by the ability of the Europeans and Japanese to maneuver within it."

Liberal theories of international order usually build hopes for peaceful co-existence among armed states on three factors: interdependencies of trade; agreements on norms of international behavior; and democratization. Ikenberry mentions these, of course, but his principal point is the one just noted: that power can become more effective by becoming more responsive. By accommodating the legitimate demands and viewpoints of potential partners, a dominant state can mobilize the cooperation it needs to solve collective problems and to achieve its own aims, so long as it manages to maintain its coherence in the face of a cacophony of aspirations and interests.

Frequent parleys and congresses among allies increase chances of coming up with imaginative formulas for reconciling interests that might initially appear to be conflicting. America's allies, like interest groups in a liberal democracy, have knowledge and imagination as well as interests. The leading state in an alliance will therefore be better informed, learn of dangerous developments before they get out of hand, and have a more comprehensive understanding of its own options if it opens itself to periodic consultations. Or so says this version of liberal internationalism.

IKENBERRY'S LEADING IDEA—that the United States stabilized and increased its power after 1945 by "a strategy of self-binding"—is paradoxical and provocative, but it is not entirely convincing. He admits as much when he describes it as a "stylization" or an "ideal type." The dim light of political science illuminates historical events by devising "models." Striving for generality valid across space and time, models necessarily homogenize reality, blotting out contextual or historically specific factors such as the illness and the death of key actors, their burning jealousies and their blank

stupidities, their skill and their initiative, their brilliant timing and their dogged persistence, their murky ideologies and their bitter memories, their lack of imagination and their hunger for attention.

Ikenberry avails himself freely of such dogged, difficult-to-model factors in his discussion of the spectacular failure of liberal internationalism after World War I. Yet he nevertheless insists that the "remarkable durability of the 1945 order among the industrial democracies despite the end of the Cold war" can be explained in large measure by "credible commitment." Standard international relations theory instructs us that victories terminate alliances. So why have the multilateral organizations built by the United States and its allies after World War II proved to be an exception to this generally valid rule? Why, after the collapse of bipolarity but before they agreed on the priority of the trans-national terrorist threat, did America and its cold war allies continue to work together harmoniously inside the multilateral institutions set up after 1945? Why did the financial architecture established after World War II successfully weather a crisis in the security architecture of the cold war? Why, despite periodic outbursts of anti-Americanism, did no serious political movement arise in allied countries proposing withdrawal from the intergovernmental organizations that the United States still dominates? Ikenberry's explanation is simple: "These institutions continue to persist because they are part of the system of mutual commitments and reassurances whose logic predated and was at least partly independent of the Cold war." But how cogent is such an explanation?

One problem is that not enough time had passed, when this analysis was put forward, to judge if Ikenberry was right or wrong. The "remarkable stability" that he aims to explain had lasted all of ten years; and the full consequences of the end of bipolarity remained unknown. Warnings, before the current crisis, that Europe was souring on America just as America was losing interest in Europe may have been overstated, or perhaps not. But why invoke "credible commitment" to explain the perpetuation of cold war patterns of cooperation, if vested interests, the absence of feasible alternatives, sheer inertia, and the relatively low costs (until recently) of maintaining current arrangements explain it just as well? Not that Ikenberry ignores such factors. Indeed, he emphasizes them voluminously. The problem is that he re-describes them as something that they are manifestly not, namely, as instruments in a successful strategy of constitutional self-binding adopted by America's sophisticated foreign policy

elite in the wake of World War II.

When states keep trying to address together problems that can be solved only cooperatively, the "binding power" of old agreements seems neither here nor there. No single country, not even the mighty United States, can take on single-handedly the problems of nuclear proliferation, drug trafficking, arms smuggling, global organized crime, environmental degradation, energy conservation, global financial instability, tax evasion by multinational corporations, and of course trans-national terrorism with radical Islamist affiliations. All such problems cry out for multilateral initiatives. Joint decision-making and the pooling of resources are palpably in the interest of all parties. This does not mean that multilateralism will occur or persist, only that an existing framework for international cooperation will not be jettisoned overnight. So here again, why bring up "self-binding" if the (temporary) perpetuation of multilateralism can be explained in simpler ways?

It seems odd, moreover, to describe the decision to rebuild Germany after the war as an expression of American self-restraint. For its part, Germany joined the West not because it trusted America's "credible commitments" and "signals of restraint," but because it was forced to do so. It is not even accurate to depict the emergence of the European Union as an example of "self-binding." The de-nationalizing of European politics, as Ikenberry himself reconstructs it, was to some extent an American initiative, designed in Washington to dampen Franco-German antagonisms and to prevent a re-run of the post-Versailles sequence of events, as well as to create a market large enough to sustain capitalism, thereby commercializing Germany, destroying its militaristic ethos, and preventing it from being drawn into the Soviet orbit. While eager to box in the seemingly suicidal Europeans, the militarily and economically ascendant United States never ceased being a judge in its own case. It always retained the option to use or not use the institutions, such as the United Nations, that it helped to create.

DEPENDING ON YOUR ideological inclinations, Ikenberry's contrary image of a fettered and rule-bound United States is either rosy or dreary. But it is at best only partly correct. Opportunistic multilateralism, in particular, was not invented by the Bush administration. The United States regularly indulges in forum shopping, seeking out, on an ad hoc basis, the regional association most compliant to shifting American interests.

Self-restraint is a faulty metaphor, in

this context, also for another reason. It assumes that the dominant power forgoes doing something that it otherwise wants and would be perfectly capable of doing. But Ikenberry knows that the British did not renounce territorial ambitions on the Continent after 1815 for the simple reason that they did not cultivate any such ambitions. The same is true of the United States after World War II. It makes no sense to say that the United States restrained its ravenous desire to wield arbitrary control over the vast regional domains orphaned by the simultaneous collapse of German, Japanese, and British power. It did not sacrifice this ambition because it did not possess this ambition. This lack of American ambition was owed not only to its presumably virtuous anti-imperialism, but also to the scarcity of its resources. That explains why, outside the Western hemisphere, the United States sought non-entanglement as much as power. World domination takes too many evenings, and the idea of baby-sitting unstable politics across the globe is not necessarily that alluring.

To squeeze the facts into his theory, Ikenberry has to say that the United States "restrained" its desire to disengage from Europe, a play on words that is wilier than it is illuminating. He cites a memo by George Kennan, head of policy planning after the war, written in October 1947: "It should be the cardinal point of our policy to see to it that other elements of independent power are developed on the Eurasian land mass as rapidly as possible in order to take off our shoulders some of the burden of 'bi-polarity.'" The desire to get Europe back on its feet and off our backs was undoubtedly an important motive of American foreign policy in the immediate aftermath of World War II, even before the clear emergence of the Soviet threat. The aim was to shift burdens and to cut costs. As it turned out, American troops remained stuck in Europe. One reason was that Eisenhower could not contrive a way to withdraw them without, in turn, supplying nuclear weapons to the Germans. It is possible to call this "self-binding," I suppose, and to see it as a "signaling of restraint"; but it would be more straightforward to understand it as the failure to off-load a burden in inherently difficult circumstances.

Ikenberry's treatment of "permeability," too, is somewhat rickety. He argues that American power was accepted because "the American postwar order was an open or penetrated hegemony," that is to say, our allies could speak back to us, communicate, remonstrate, and influence our decision-making. But his argument here refuses to sit still. At times, he claims that "postwar institutions created conduits

into the American policy making system," implying that the postwar peacemakers substantially increased the openness of the American policy-making process by committing America to multilateral institutions. At other times, he simply invokes the United States' "distinctively open domestic political system," meaning that the "open American polity," rather than the new-modeled postwar institutions, "created opportunities for allies to lobby actively and engage American officials and influence the policy process."

Any country where decision-making involves many different agencies and individuals will have a hard time keeping secrets. Multi-party competition and a free press make the United States relatively easy for outsiders to monitor. Pluralism also means that diverse actors with divergent perspectives can be played against each other by skillful foreign emissaries. This is true for embittered enemies as well as for allies, and it has nothing to do with a sophisticated power game played by the framers of the postwar order. Foreign powers, including adversaries, could keep tabs on the United States, and perhaps alleviate unwarranted suspicions, "because its domestic democratic institutions created openness and access." But this benefit was not the fruit of strategic self-restraint. It was merely a by-product of democracy and the open-door policy that the United States adopted on other grounds.

IN THE END, Ikenberry traces the moderation of the powerful to their need for ongoing cooperation, not to their fear of one-shot retaliation. This, not naïve hopes about the stringently binding power of international law, is what makes him a liberal rather than a realist. In the absence of a higher-level enforcer, what "binds" the United States is not a prior commitment, but (as in the current crisis) its present and ongoing need for voluntary collaboration, or rather the belief of its key policy-makers that such voluntary collaboration is indispensable. The United States made concessions to its relatively weak allies after World War II because it required their concert and cooperation. It needed their help to counter the Soviet threat and to avoid the kinds of financial turbulence that directly threatened American economic interests. But it also wanted, as Ikenberry is eager to stress, to rebuild the German economy without spooking France and Great Britain. This required considerable diplomatic tact.

If a powerful state makes concessions to its weaker allies only when it needs their voluntary agreement to pursue important purposes, then its concessions are likely to cease, or to be substantially modified, when its goals change or when it

no longer needs extensive international cooperation to achieve them. Before September 11, the Bush administration seemed to believe that there was nothing anyone could do to stop the United States from acting in whatever way it chose to act. That is why it was more interested in managing allied objections than in taking them seriously. The administration's urgent need for multilateral assistance after the attacks has reshaped a rude and grumpy foreign policy into a remarkably conciliatory and ingratiating one.

This brings us to the curious inconsistency between Ikenberry's basic policy recommendation and his principal descriptive claim. Ikenberry urges our pre-September 11 government to avoid the pitfalls of unilateralism. Above all, he says, the United States should not replace a consultative style with an imperious style. In issuing such a plea, of course, Ikenberry assumes that there is nothing inevitable about multilateralism. Yet American domestic institutions had not suddenly lost their "permeability"; nor had the institutions of global governance become mysteriously less "sticky" than before. Still, when he wrote his book, the unilateral temptation was upon us. How can this be explained? Only by the administration's failure, at the time, to appreciate the present and future need of the United States for international cooperation to protect our most vital interests. Excited by America's unprecedented lack of peer competitors, the administration vaguely knew but had not yet fully absorbed the extent to which the sole remaining superpower needed voluntary cooperation from its allies—to isolate Iraq, for instance, or to base radar and tracking equipment for the fantasized missile shield.

Ikenberry apparently hoped to rescue multilateralism by convincing the country's foreign policy elite that the United States' fundamental interests could not be protected without extensive voluntary cooperation from allies. Now they know. But this is where he walks into a contradiction. His entreaty makes sense because America's behavior on the international scene is restrained, if at all, by the plausible and implausible beliefs of its policy-makers. And this implies that America's foreign policy is not really "institutionally restrained," at least not to the degree and in the way that Ikenberry's theory would lead us to expect.

A further ambiguity involves the ostensibly pro-American bias built into the multilateral institutions constructed after the war. Ikenberry's argument is that the United States committed itself to a consultative style of global governance, agreeing to restrain its own arbitrary discretion and to take into account the interests and

the concerns of its allies (as these evolved over time) in order to obtain vital cooperation. The purpose of this cooperation was not only to oppose the Soviet threat, but also to avoid self-defeating conflicts inside the allied camp. But this thesis, worth disputing on its merits, loses its clear contours because Ikenberry combines it with a very different—indeed, a contrary—proposition: that during the years of chaos, when American power was at its height, American policy-makers skewed the rules of multilateral governance in America's favor, "locking in" an otherwise ephemeral ascendancy, and immunizing the country's strategic dominance against an inevitable waning of American power and an equally inevitable growth of the power of its allies. This may be true or false. But it is a very different claim than the one so far discussed. Which is it? Did the United States cagily short-change its allies or did it design multilateral institutions to cater to their legitimate and shifting demands? Both stories, admittedly, may capture aspects of the truth; but Ikenberry does not help us to think through the obvious tension between them.

WHETHER OR NOT they will retain a vise-grip on the consciences of future statesmen, present-day agreements can create well-organized vested interests wedded to predictable procedures and routines. To explain how one generation can "bind" the next in practice, therefore, Ikenberry draws our attention to the way treaties can inaugurate the re-organization of bureaucracy. Evidence that international agreements can populate institutions with careerists who have a strong incentive to keep their agencies in business is provided by NATO, which continues to exist and even to expand after its original purpose abruptly disappeared. Owing to the strong incentive for self-perpetuation, institutions "raise the costs of sharp reversals in policy and create vested political interests and organizational inertia that reinforce stable and continuous relations."

This is true enough, but it does not fit as smoothly into Ikenberry's thesis as he seems to assume. What he calls "the stickiness of institutions" may just as well be labeled sclerosis. (Max Weber might have spoken of an "iron cage.") Ikenberry downplays the obvious disadvantages of institutional rigidity because, once again, he interprets it as a contrivance in a sophisticated power game—in this case as an unshakable real-world guarantee that promises will be kept, even when they are made by sovereign states. As a consequence, he does not even bother to distinguish between predictability and paralysis.

True, vested interests may obstruct change. Irreversible processes can be set in motion. Fluid situations will calcify. Facts on the ground can block once-feasible avenues of escape. But, while interesting and important, such factors do not lend themselves as easily as he suggests to strategic use. Is "policy viscosity" always good? Do fossilized commitments always produce the effects that their makers anticipate? If international bureaucracies, owing no loyalty to any national constituency, develop their own stubborn corporate interests, what makes us expect that they will act for the good of the wider world community?

Framers and founders may deserve their acclaim; but one generation cannot really control the next. No matter how sophisticated, the designers of institutions, domestic or international, lack the foresight and the skill to choreograph in detail the behavior of their successors. One important reason for this incapacity is that institutional rigidity increases behavioral unpredictability. This is true because overly stringent rules and inflexible decision-making bodies can be shattered by unexpected crises that a more loosely constructed and flexible framework might easily have survived.

Ikenberry's implicit contention, that American foreign policy is restrained not by fluctuating beliefs but by sturdy institutions, brings him, in the end, to "an optimistic view of the future stability of the Western order." The problem with optimism is its tendency to bleed into complacency. And in fact the very structure of Ikenberry's argument leads him to understate the degree to which the collapse of bipolarity continues to rattle American foreign policy. One problem is that the disappearance of our Soviet adversary affected the United States directly, rather than merely eating away slowly at the coherence of the alliance it leads. The "imperial presidency" built up in the context of a global standoff between liberalism and communism was being relentlessly whittled away, before the recent deadly attack brought it roaring back to life. Public understanding of American interests abroad, never impressive, was further diluted by the disappearance of our cold war enemy.

For similar reasons, the coherence and the purposiveness of American foreign policy itself was seriously compromised. This affected not only our ability to sort out priorities and to discipline domestic constituencies, but also our ability to keep foreign allies and partners on board. If we cannot explain clearly what we want and how we plan to achieve it (indeed, if we do not know what we want or how to achieve it), we are much less likely to secure neces-

sary cooperation, however well-designed our international institutions or tenacious our commitments to them. What was true yesterday remains true today.

IN HIS ZEAL to highlight the advantages of multilateralism, finally, Ikenberry neglects the other side of the coin. He makes anti-multilateralism seem wholly unmotivated and incomprehensible. Why would anyone complain about "the false promise of multilateral institutions" when they deliver such bounty? Why would realists pour scorn on "the multilateral mishmash" if multilateralism solves problems without creating more? But doubts about multilateralism, while sometimes overwrought, are not altogether absurd.

Without intensive cooperation by intelligence apparatuses around the world, from Islamic and non-Islamic countries alike, our military today would not be able even to put together a reliable list of targets. But many of our most useful allies in the freshly assembled anti-terrorism coalition have interests palpably at odds with our own. Countries that have Islamic insurgencies within their borders, such as India and Russia, are likely to define "terrorist" in a way that increases rather than decreases the appeal of trans-national Islamic radicalism. Similarly, by associating ourselves too closely with politically unaccountable "moderate Islamic states," we make it painfully easy for radical Islamists to stoke anti-American passions. America is a crudely hypocritical power, they will say, a power addicted to double standards, spouting democratic ideals while supporting undemocratic regimes.

Srebrenica is another example, already available to Ikenberry, of the way multilateral initiatives can end badly. The molasses of international bureaucracies can impede flexible response. Ikenberry himself assumes as much in his interesting discussion of the Russian withdrawal from Eastern Europe. Gorbachev effectively accepted the absorption of a reunified Germany into NATO because he correctly believed that a Germany snared in a multilateral web would be perfectly harmless to Russian interests and generally unable to act in unexpected ways. Slobodan Milosevic had a similar perspective and was proved wrong in part; though no one would argue that the Western alliance, immobilized by multilateralism, intervened in the former Yugoslavia in a timely manner.

It is no surprise, then, that the Western alliance during the past decade has been repeatedly flummoxed by swiftly unfolding events, in the Balkans and elsewhere, since dozens of semi-independent states, with slightly different interests

and maps of the world, must be coaxed into consensus before bold action is undertaken. Nature intervenes most dramatically in politics in the form of time. The need to respond to dangerous situations under the pressure of a ticking clock makes it imprudent to subject the power to conduct foreign policy to a tangle of procedural checks. Even obligatory consultations can interfere perilously with timely action.

Multilateral institutions are most effective, therefore, when a small handful of core states, with common goals and good working relations, take the initiative, canvass the alternatives, rally the troops, and follow through. This is not to argue that the United States should turn its back on multilateral institutions. It is only to observe that multilateralism tends to fail when, as in 1919, participating states are divided by beliefs as contrary as Wilson's and Clemenceau's. Multilateral institutions function best when a single power with a coherent set of priorities works through them, as occurred after 1945.

The title of Ikenberry's book takes on new poignancy and pertinence in the current crisis. For how will the United States behave after the victory that President Bush and his principal advisers promise will be ours? After prevailing against Germany and Japan in 1945, we chose to help those countries rebuild and rejoin the comity of nations. After helping the mujahedin prevail over the Soviet Union in 1989, by contrast, a Republican administration walked away from Afghanistan, leaving behind human hopelessness and state failure that, in turn, allowed the Taliban to take power and trans-national murder gangs to organize gruesome schools for butchering civilians. After wounding Saddam Hussein unforgettably in 1991 without removing him from the scene, a Republican administration set the stage for ten years of sanctions that, while they have not prevented the psychopathic dictator from developing weapons of mass destruction, have (however unfairly) led many in the Arab and Islamic world to blame the United States for severe malnutrition, mass suffering, and death.

So the burning question is: how will the United States behave this time around? Will victory, assuming we achieve it, be followed by a decision to rebuild countries within whose borders we have unleashed lethal force? Or will another Republican administration, still lukewarm about "nation building," grow impatient with tribal squabbling and walk away from the ruins? The answers to these questions can be found in the current beliefs and strategies of our policy-makers and statesmen. It is not wired into our institutions or fixed in stone by promises made decades ago. ■

WASHINGTON DIARIST

Push and Pull

MY MOTHER ALWAYS told me that no two pregnancies are the same. So when I became pregnant with my second child last year, I expected the unexpected. Still, I thought another basic truth should—at least to some extent—also hold true: Experience makes you wiser. The problem is that lately I've discovered that the wisdom I acquired when my first child was born is controversial, that cultural politics has worked its way into the delivery room.

LET ME EXPLAIN. THREE AND A HALF years ago, when I went into labor with my first child, I enjoyed a wonderful sense of serenity. My pregnancy had been easy, and so I innocently anticipated that I would have no trouble with my delivery. After I got to the hospital, early on a balmy spring night, I negotiated four hours of intense labor listening to Tori Amos on my headphones (in truly serious moments, cheerful music is not what you need) and pacing the hallways, stopping only to grit my teeth through a contraction. But finally my stoicism surrendered to my pain, and I asked for the epidural. It allowed me to sleep through the night. It also slowed my labor, which is common; and during the night I was given the drug Pitocin to keep my labor moving forward.

AT ABOUT 4:30 A.M. I AWOKE WITH the urge to push. The nurse came in, and I pushed. As I was making my mighty exertions, however, I realized that the epidural was no longer stopping the pain. After four hours of pushing, and after an anesthetic had been injected directly into my epidural catheter, my baby was in the birth canal, but he was not progressing any further, the stubborn little thing. My memory of what happened next is a little fuzzy. I remember that they decided against more painkillers because they were worried about the baby. They wheeled me into surgery and tried one last time with forceps and suction to get

the baby out. Then they rushed my husband out of the room and knocked me out with a general anesthetic. My dream of a perfect delivery was over. I joined the legions of women who bring their babies into the world by means of a cesarean section.

I FELT LIKE A FAILURE. I HAD BEEN unable to deliver my baby "the right way." And it was not long before I learned from other women who have had c-sections that my feelings of womanly inadequacy were not unique. Not that anyone explicitly criticized me. But there were intimations of disappointment. My mom wondered why I needed a c-section, since "none of the other women in our family ever had a c-section," with the exception of my sister-in-law, who had one because "she had twins and is very tiny. She didn't have a choice." As if I had a choice.

AS TIME WENT BY, THOUGH, I CAME to understand that my feeling of defeat was completely unjustified. I did some reading about the history of c-sections, and learned that they were an ancient practice for saving the child when the mother was dead or dying. (The procedure may owe its name to the legend that Julius Caesar was brought into the world by means of such emergency surgery.) In the seventeenth century in England, obstetrical forceps were introduced into the process. The first recorded successful c-section in the British empire occurred in the early nineteenth century, and was the work of a woman disguised as a man and serving as a doctor with the British army in South Africa. Slowly, mercifully, c-sections became safer and more common.

THE MORE I LEARNED ABOUT THE practice, the angrier I became at those who disparage it and blame modern medicine for its rise. I found a prime example of this attitude in Naomi Wolf's recent book, a memoir of her "journey to motherhood" called *Misconceptions*. Wolf writes at narcissistic length about her own experience of giving birth. The experience did not please her. The hospital was cold, the nursing staff was impersonal, and she felt generally disempowered by all the medical professionals. Most disempowering of all, she had a c-section. "I was told I would have 24 hours to deliver before they would have to perform surgery. That sword over my head, and the ticking clock, marking the moment my doctors would decide to wield it, filled me with fear. The technology, the medical staff, and the social shame that swirled around me were all pointed at me threateningly, and kept me

from using my body in a way that could support my birth." Her birth?

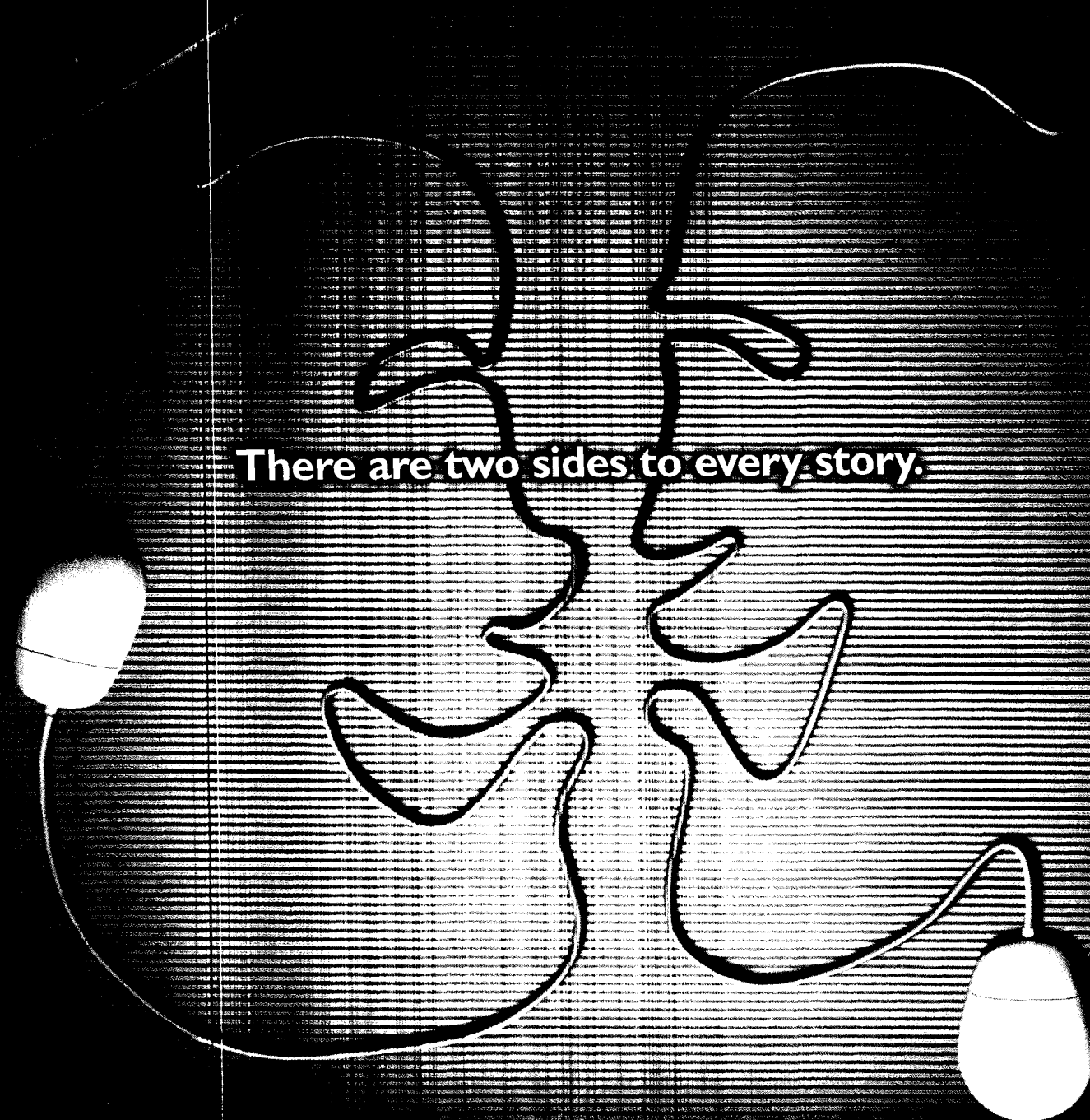
WOLF HAS WRITTEN A WHINING DENunciation of indifferent nurses, lawsuit-fearing doctors, and everyone involved in her c-section. "I would later discover that my story of 'arrested labor' might have been the result of the intersection of politics, money, institutional convention, and, once more, legal interests." But whatever the cultural and political factors, surely c-sections are primarily a medical necessity and nothing sinister. Instead of expressing gratitude to her doctor and her nurses for delivering a healthy baby, she suggests that if she had been in control, she might not have needed the operation.

ACCORDING TO WOLF, WOMEN WOULD be better off if delivery were supervised by midwives with a more "natural" approach. "Midwives birthed pregnant women by waiting for nature to take its course; high paid doctors saw the time in the birthing room differently." But her blind admiration of nature is bizarre. After all, it is nature that required the invention of medicine. What is natural? Pain, death, and disease. What is unnatural? The sciences, the arts, the trades: just about everything that we call civilization. In a past issue of *TNR*, Cass R. Sunstein quoted John Stuart Mill: "That a thing is unnatural . . . is no argument for its being blamable." The belief that if women in labor were allowed to stroll around and squat a few times then healthy babies would blissfully pop out is ridiculous. If my doctor had let "nature take its course," my baby would have died. As it was, he was born blue with no respiratory function, and barely a heartbeat.

ACCORDING TO DR. MICHAEL GREENE of Harvard Medical School, not all c-sections are necessary. The problem is that there is no way for a doctor to know with certainty if a woman and her child need a c-section, if the baby is in trouble or not in trouble, if the woman or her child will live or die. What woman wants to take that chance? I don't know any woman who would go back and elect not to have a c-section at the risk of her health and the health of her child.

WHEN I WAS PREGNANT WITH MY second child last spring, I gladly scheduled a c-section. I did not care about my authenticity; I cared about my baby. The only "right way" to give birth is successfully. I chose to put my faith not in nature but in my OB-GYN, who knows all about nature's lack of concern for our happiness.

HOPE ROBERTS



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